

The page is framed by a decorative border consisting of four square corner pieces, each containing a stylized Greek key (meander) pattern in yellow and grey. These corner pieces are connected by thin vertical and horizontal lines, creating a rectangular frame around the central text.

Independent Review Panel

2000 Annual Report

Riley Davis, Jr., Chairperson

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Independent Review panel

Riley Davis, Jr., Chairperson, nominated by the Urban League of Greater Miami, Inc. Mr. Davis is Special Assistant to the President and CEO of the Urban League of Greater Miami. His focus is crime prevention and Black on Black crime intervention. In the past he worked for the Florida Department of Corrections and a Correctional Probation Specialist.

Heddy Peña, 1st Vice Chairperson, nominated by ASPIRA of Florida, Inc. Ms. Peña serves on the Boards of ASPIRA, a nonprofit organization devoted to education and leadership of Latino youth and SAVE Dade, a coalition created to push for equal right for gays and lesbians.

Rev. James Phillips, Jr., 2nd Vice Chairperson, nominated by People United to Lead the Struggle for Equality (PULSE). Rev. Phillips is pastor of the Highland Park Baptist Church and president of PULSE, a civil rights group established in 1981. He has a B.A. in psychology with an emphasis on chemical dependency.

Edward G. Guedes, Esq., nominated by the Community Relations Board. Mr. Guedes is an attorney whose practice areas include labor law, civil rights, governmental representation and implementation of the Americans with Disabilities Act.

Major Noel A. Rojas, nominated by the Dade County Association of Chiefs of Police. Major Rojas is Commanding Officer of the Miami Police Department Special Investigations Section. He began his career as a law enforcement officer with the City of Miami in 1980. He is experienced in Community Oriented Policing strategies.

Doris Shellow, nominated by the League of Women Voters. Mrs. Shellow is active in community mental health issues. She was Executive Director of the South Florida Psychiatric Society for 17 years, until she retired in 2000.

Stewart D. Williams, Esq., nominated by the Dade County Bar Association. Mr. Williams is a trial attorney practicing in areas of personal injury, wrongful death, medical malpractice and products liability. He was born in Lima, Peru and is fluent in Spanish.

Min. Dr. Freeman Wyche, Sr., nominated by the African American Council of Christian Clergy (AACCC). Dr. Wyche is Senior Minister of the Liberty City Church of Christ. He has served in the ministry for over 50 years. Dr. Wyche is dedicated to his community, serving on the boards of many civic and educational organizations.

Members 2000

Chairperson



Riley Davis, Jr.

1st Vice Chairperson



Heddy Peña

2nd Vice Chairperson



Rev. James Phillips, Jr.



Edward G. Guedes, Esq.

Citizens Holding
Miami-Dade
Accountable



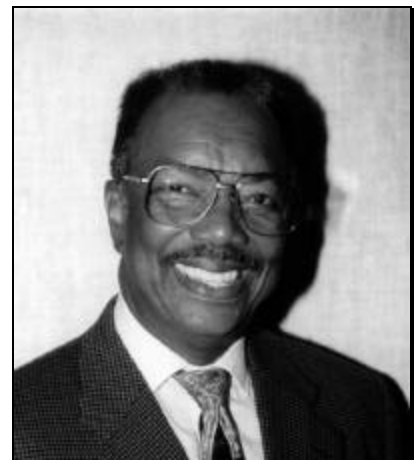
Major Noel A. Rojas



Doris J. Shellow

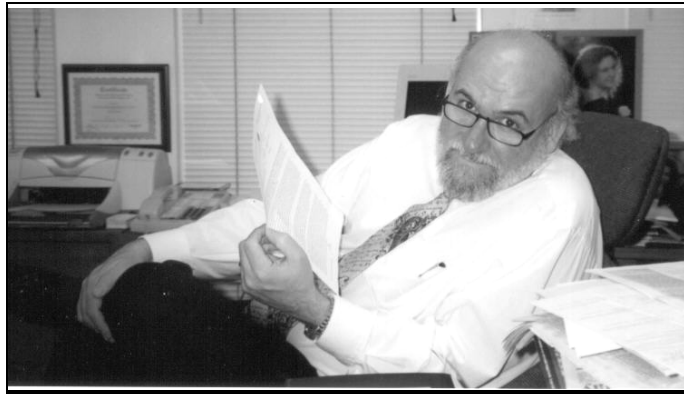


Stewart D. Williams, Esq.



Min. Dr. Freeman Wyche, Sr.

Independent Review panel STAFF



Eduardo I. Diaz, Ph. D. Executive Director

Sagrario Lopez

Senior Executive Secretary

Carol J. Boersma, LCSW

Constructive Conflict Counselor

***Debbie Penha
Cumbermack***

Conflict Resolution Specialist

Patricia Nicolas

Office Support Specialist



Sagrario, Debbie, Carol, Patricia



Dr. Diaz and Mrs. Cumbermack meet with a complainant

County Liaisons

LEGAL COUNSEL

Ronald Bernstein, Assistant County Attorney
Kenneth Drucker, Assistant County Attorney

MIAMI-DADE POLICE LIAISON

Lt. Alan Kaplan, Professional Compliance Bureau
Lt. Glenn Stolzenberg, Professional Compliance Bureau

COUNTY MANAGER'S LIAISON

Paul R. Philip
Senior Assistant to the County Manager

MAYOR'S LIAISON

Joe Ramallo, Policy Analyst

Mediated Fact-Finding Dispute-Resolution Meeting



Lt. Glenn Stolzenberg, Executive Director Eduardo Diaz, Panel Member Rev. James Phillips, Complainant

Chairperson's message



Having completed my first full year as the Independent Review Panel (IRP) Chairperson, I feel the need to express my strong sentiment that our community merits a more powerful Civilian Oversight of Law Enforcement body, one that has clear jurisdiction over the various municipalities in Miami-Dade County, with subpoena power to compel witness testimony and production of records.

This is not to minimize what the IRP has accomplished. The IRP has squarely taken on the issue of Racial Profiling and has provided decision makers with findings and recommendations that have led to constructive legislation as well as improved policy and practice. Staff does a great job, ap-

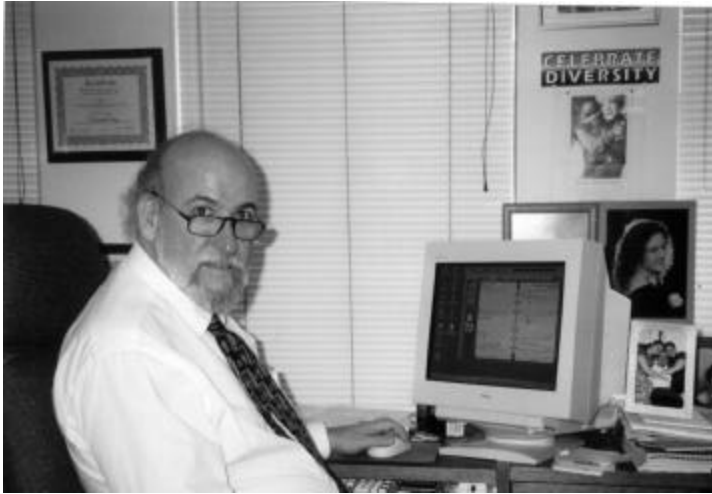
propriately managing with limited power to investigate, and our Panel members are serious citizens who volunteer their time, without compensation, and deserve praise for their effort. However, IRP staff can do little to serve citizens who step forward to complain of serious wrongdoing by officers or employees of the 30 towns, villages and cities within the County boundaries, other than referring the issue to another investigatory authority. Locally, there is no other independent board, or Panel, engaged in this line of work.

As Chairperson, I am committed to help in any way I can, to improve community/police relations for the sake of all citizens of Miami-Dade County. I am convinced that Police abuse of power does occur, at times, and that civilian oversight does help remind professional officers that the community wants them to use arrest powers wisely, to enhance public safety, always respectful of civil rights and not due to personal anger. I have two requests for all elected County officials to consider: calling for expanding the power of the IRP and requiring police applicants to have at least an AA degree. The members of the Independent Review Panel will continue to strive for justice, remaining vigilant to discover ways to improve the County's service to the citizenry.

*Our community merits a more
powerful Civilian Oversight of
Law Enforcement Body*

Riley Davis, Jr.
Chairperson

Executive Director's message



The distinctive events of the year 2000 for the Independent Review Panel were best characterized as roller coaster highs and lows. The highs stem from the affirmation staff felt every time an elected official, community leader or national organization recognized the IRP process as worthy of emulation. The lows were associated with attacks on our integrity by those wanting premature conclusion of an IRP investigation and by

the willingness of management to support an employee's account prior to a full hearing by the Panel members. The Panel effectively employed constructive conflict strategies, did not succumb to pressure and fulfilled its mandate to conduct independent external fact-finding and dispute resolution.

We are a small staff that carries the great responsibility to provide the community a forum to air serious complaints. We deal with unhappy people on a daily basis yet we enjoy the opportunity to serve for the good of all and not just the complainant or respondent. We help the people to engage the government constructively and we help the government stay open to the people.

There is so much still to do and we will continue to speak truth to power, regardless of criticism. We respect our critics, and expect that no one that does this job well can escape criticism. We relish the challenge to advance the cause of Justice, firm of backbone and with our heads held high.

*We relish the
challenge to advance
the cause of Justice.*

Eduardo I. Diaz, Ph. D.
Executive Director

history

The Independent Review Panel was created by the Metropolitan Dade County Board of County Commissioners in January 1980, and was designed to operate autonomously from county government as an independent civilian "watchdog" agency. The unique combination of police review and "ombudsman" functions within one autonomous civilian agency was the result of a delicate balance and compromise that arose out of the community outrage following the McDuffie and LaFleur police shootings and subsequent riots in 1979. The Board conceived this innovative approach as a means to improve community confidence in all aspects of its government.

At the time of the Panel's inception, the community had little confidence in the Metro-Dade Police Department Internal Review process. The average citizen preferred to believe that, given the opportunity, the officers within the Department would do everything possible to "protect" a brother officer. The Board recognized that only if the public is fully informed can it fairly form an opinion as to whether or not the Internal Review process is in fact responsive and effective, and that establishing the Independent Review Panel was necessary to restore community respect and trust in county government. In authorizing review of complaints against any county employee or agency, the Board recognized the importance of enhancing the ability of the citizenry to gain access to an impartial citizen dispute resolution mechanism, where the continued responsiveness of the county government can be monitored and accountability assured.

The Board decided to establish an independent panel that incorporates the most constructive aspects of an ombudsman office with the independence of a civilian review format, to create a civilian watchdog agency in the form of the Independent Review Panel. The County Commission assured the independence and autonomy of the Panel from political or administrative influence by delegating the responsibility for the appointment of the executive director to the chief judicial officer of the Eleventh Judicial Circuit in and for Dade County. The intent of the Board of County Commissioners was to establish a broad-based, permanent Panel to serve for the purpose of investigating questionable administrative practices or policies and employee behavior, and of conducting comprehensive public hearings on matters within the Panel's jurisdiction.

The Panel's independence from direct political or administrative influence set the Panel apart from any other processes or procedures that existed within Dade County. The Panel members serve without compensation and give freely of their time. Following the creation of the Independent Review Panel, the charter members and the executive director drafted rules of procedure that outlined the stated purposes and goals of the Panel:

It is hereby declared to be the purpose of these rules and procedures to facilitate the Independent Review process in Dade County, Florida which shall be based on due regard for the constitutional rights of all persons and which shall promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Dade County and the people of Dade County. These rules provide for the impartial, independent, open and prompt investigation and disposition of complaints and grievances in a manner which protects both the public and the county agencies, instrumentalities or employees who are involved in such complaints. It is a further purpose of these rules to facilitate the ability of the Independent Review Panel to review the established county procedures and policies

or general patterns of conduct which give rise to conflict and misunderstanding between the County and the public.

Following its investigation and review of complaints, the Independent Review Panel makes findings and recommendations to the appropriate county authorities regarding revision of policies and procedures, and employee conduct.

The Independent Review Panel is an advisory group, which cannot compel sworn testimony, except in cases of whistle blower retaliation complaints. At its inception, the Board decided that the Independent Review Panel, through its findings and recommendations, could have sufficient input and exert enough pressure on existing agencies so that the investigation would be fair and expeditious. The Panel could accomplish this so long as substantial and continuing support is provided by the County Commission and the County Manager, as well as from the citizens of Miami-Dade County. In essence, the primary goal of the Panel is to allow aggrieved citizens access to internal county governmental investigations. The Panel demonstrates that Miami-Dade County government recognizes that citizens have a right not only to participate in this grievance/complaint review, but also to oversee it through membership on the Independent Review Panel.



The Panel in Session

AUTHORITY AND POWERS

Granted by Miami-Dade County Code Article IC.

Section 2-11.41

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.

Section 2-11.45

- (a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.
- (b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.
- (c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes.
- (d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.
- (e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.
- (f) The Panel may conduct or participate in conferences, inquiries, meetings or studies.
- (g) The Panel may request the County Attorney to render opinions relating to its duties, jurisdiction or power.

Why Do We Need The Independent Review Panel?

Government alone can not hold itself accountable. Citizen oversight that is independent and free of conflicts of interest is a good way to accomplish constructive change. Committed volunteers, known for high integrity, listen to the people, review how they are being served and recommend actions to help restore right relations and trust. Citizen participation is essential to build a more peaceful and just community. The IRP was created for **external fact-finding and dispute resolution purposes**.

Whose Side Is The Panel On?

The Panel members are open to evidence from all sides and seek the truth. They are advocates for the greater good and not for one side or the other. Complainant satisfaction is not assured because Panel members base their recommendations on objective review of the evidence available.

Can The IRP Help County Departments Prevent Complaints?

Yes, IRP staff provide training in complaint prevention skills and are also available to help departments improve complaint procedures based on Panel review and recommendations.

Who Created The Panel?

The Independent Review Panel was created by the Board of County Commissioners to promote confidence in county government and improve community relations. The Panel serves as a go-between you and county government when **serious complaints** are made against Miami-Dade departments or employees.

How Is Fairness Secured?

The Panel operates **independently** of the county government administration and is dedicated to being unbiased and thorough in its review of citizens' complaints. The Executive Director is appointed by the Chief Judge of the Eleventh Judicial Circuit. The Panel is made up of volunteers nominated by different community organizations who listen, review and recommend corrective action.

Who Appoints The Members of The Panel?

Five Panel members are appointed by the county commission having been nominated by these organizations:

- Community Action Agency
- Community Relations Board
- Dade County Association of Chiefs of Police
- Dade County Bar Association
- Dade County League of Women Voters

Another four members are appointed by the Panel, considering ethnocultural and gender community representation.



Alex Penelas
Mayor

BOARD OF COUNTY COMMISSIONERS

Gwen Margolis
Chairperson

Betty T. Ferguson
District 1

Dorrian D. Rolle
District 2

Dr. Barbara Carey
District 3

Gwen Margolis
District 4

Bruno A. Barreiro
District 5

Pedro Reboredo
District 6

Jimmy Morales
District 7

Katy Sorenson
District 8

Dennis C. Moss
District 9

Javier D. Souto
District 10

Miguel Díaz de la Portilla
District 11

Dr. Miriam Alonso
District 12

Natacha Seijas Millan
District 13

Merrett R. Stierheim
County Manager

Robert A. Ginsburg
County Attorney

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability.



Citizens Guide to County Accountability

An
INFORMATIONAL
Service of the

Independent Review Panel

Dr. Eduardo I. Diaz, Executive Director
140 West Flagler Street, Suite 1101
Miami, FL 33130

**Raise Voices to Help Create
Future Solutions Now**

To Resolve Serious Complaints You May Use:

- Political Action
 - Legal Action
 - Administrative Action
- or
- Public Hearing Action

The Independent Review Panel is the path to choose if you want citizen oversight of the process and want the results determined in the open by public hearing action.

What Is A Serious Complaint?

Information that pertains to substantial and specific damage to public health, safety or welfare

or

Information alleging :

- gross mismanagement
- malfeasance (misconduct or wrongdoing)
- misfeasance (failure to take action)
- gross neglect of duty

The Panel gives priority to complaints that are likely to result in corrective action that may significantly improve County service to the public.

Call 305-375-4880
Fax 305-375-4879

How Are Complaints Handled?

You can make a complaint to Panel staff by phone, letter or in person. Complaints which require a formal investigation are referred to the director of the accused department.

The accused department conducts the investigation and reports its written findings to Panel staff. This report is shared with you. If you are not satisfied with the department's investigation, a committee, made up of Panel staff and a Panel member, is formed.

The committee meets with you and representatives from the accused department. It makes recommendations to the Panel at its monthly public hearing.

The Panel publicly reviews how the complaint has been handled to make sure the citizen has had the chance to be heard. The Panel has the final word on recommendations, which are then sent to the accused department, County Manager, commissioners and the Executive Mayor.

Can Complaints Be Filed Via The Internet?

Email: IRP@co.miami-dade.fl.us

or

Visit the County's Web Page

<http://www.co.miami-dade.fl.us/irp>

What Can The Panel Do?

The Panel provides safe mediated dispute resolution by:

- Review of complaints and the departmental response
- Conducting face to face mediations employing constructive conflict strategies
- Holding open public hearings to address citizen complaints

The Panel may also do fact-finding by:

- Independent community inquiry
- Independent studies of grievances
- Conducting an Independent Community Grievance Conference

The Panel can recommend that:

- Corrective action be taken
- An employee be disciplined or commended
- Departmental or County policies and procedures be revised

What About City Complaints?

The Panel process is available free of charge to any Dade municipality that wants to use it. The municipality must grant the Panel jurisdiction to provide citizen oversight. The Panel does have jurisdiction to address County government complaints.

Panel staff will tell you where to go to complain about state, federal or other government wrongdoing. Other avenues are also available to address elected officials.

What Should I Know If I Want To Blow The Whistle On County Wrongdoing

The Panel is also charged with hearing retaliation complaints. Subpoenas may be issued to obtain the attendance of witnesses and the production of records. To protect yourself from retaliation by a County employee, department or instrumentality (contracted agent):

- A recent Ordinance 96-41 says you must inform the County Manager or other authority, in writing, that you have been the subject of retaliation within 60 days of it happening
- If the Public Hearing results in Panel findings that retaliation probably took place, you may be eligible for monetary reward if your whistle-blowing led to recovery of County funds
- If the Panel finds that your retaliation complaint was frivolous (not serious), you may be held responsible for County incurred costs.

Can County Employees File Complaints against Supervisors or Coworkers through the IRP?

The IRP will not duplicate or intervene in county, departmental or union grievance procedures. The IRP only considers personnel complaints in rare cases of substantial inequity or unfairness.

¿POR QUÉ NECESITAMOS EL INDEPENDENT REVIEW PANEL?

Al gobierno no se le puede pedir explicaciones de sí mismo de los asuntos de los cuales es responsable. La vigilancia pública, que es independiente y libre de conflictos de interés, es una buena manera de lograr cambios constructivos. Voluntarios conocidos por su gran integridad, escuchan a las personas que plantearon quejas, analizan la forma en que el Condado les ha servido y recomiendan medidas para restaurar las relaciones entre el público y el Condado, y promover confianza en el gobierno. La participación del público es indispensable para construir una comunidad más pacífica y justa. El IRP fue creado con el propósito de tener una agencia **independiente que llega a conclusiones objetivas y resuelve disputas.**

¿DE PARTE DE QUIÉN ESTÁ EL PANEL?

Los miembros del Panel son los defensores del bien común y no están ni del lado del Condado ni del lado de la persona que plantea la queja. No se puede garantizar satisfacción con los resultados porque los miembros basan sus recomendaciones en un análisis objetivo de la evidencia disponible.

¿PUEDE AYUDAR EL PANEL A LOS DEPARTAMENTOS DEL CONDADO A EVITAR QUEJAS?

Sí. El personal del IRP provee entrenamiento y métodos para prevenir quejas. También puede ayudar a los departamentos a mejorar la manera en que se manejan las quejas contra sus empleados.

¿QUIÉN CREÓ EL PANEL?

El Independent Review Panel fue creado por la Junta de Comisionados del Condado para promover la confianza del público en el gobierno del Condado y para mejorar las relaciones comunitarias. El Panel presta servicios como intermediario entre usted y el Condado cuando se someten **quejas graves** contra departamentos o empleados de Miami-Dade.

¿CÓMO SE GARANTIZA UN TRATAMIENTO JUSTO?

El Panel, que funciona **independientemente** de la administración del gobierno del Condado, se dedica a analizar con objetividad y sin prejuicios las quejas que plantea el público. El Director Ejecutivo es designado por el juez principal del Circuito Judicial Onceno. El Panel, el cual está integrado por voluntarios designados por distintas organizaciones comunitarias, escucha y examina los hechos para luego hacer recomendaciones correctivas.

¿QUIÉN DESIGNA A LOS MIEMBROS DEL PANEL?

La Junta de Comisionados del Condado designa a cinco de los miembros del Panel, basándose en las recomendaciones que le hagan las organizaciones mencionadas a continuación:

- la Agencia de Acción Comunitaria
- la Junta de Relaciones Comunitarias
- la Asociación de Jefes de Policía del Condado de Miami-Dade
- el Colegio de Abogados del Condado de Miami-Dade
- la Liga de Mujeres Votantes del Condado de Miami-Dade

El Panel designa a los cuatro miembros restantes con miras a que las comunidades etnoculturales y los géneros estén representados.



Alex Penelas
Alcalde

JUNTA DE COMISIONADOS DEL CONDADO

Gwen Margolis
Presidenta

Betty F. Ferguson <i>Distrito 1</i>	Katy Sorenson <i>Distrito 8</i>
Dorrian D. Rolle <i>Distrito 2</i>	Dennis C. Moss <i>Distrito 9</i>
Dra. Barbara M. Carey <i>Distrito 3</i>	Javier D. Souto <i>Distrito 10</i>
Gwen Margolis <i>Distrito 4</i>	Miguel Díaz de la Portilla <i>Distrito 11</i>
Bruno A. Barreiro <i>Distrito 5</i>	Dra. Miriam Alonso <i>Distrito 12</i>
Pedro Reboredo <i>Distrito 6</i>	Natacha Seijas Millán <i>Distrito 13</i>
Jimmy Morales <i>Distrito 7</i>	

Merrett R. Stierheim
Administrador del Condado

Robert A. Ginsburg
Abogado del Condado

El Condado de Miami-Dade proporciona igualdad de acceso y oportunidades en el empleo y en los servicios y no discrimina a los minusválidos.



Guía para el Público sobre la Responsabilidad del Condado

Un servicio
INFORMATIVO
del

INDEPENDENT REVIEW PANEL

(Panel de Reinspección Independiente)

**140 West Flagler Street, Suite 1101
Miami, FL 33130
(305) 375-4880**

Dr. Eduardo I. Díaz, Director Ejecutivo

Para resolver quejas graves, usted puede:

- valerse de la acción política
- entablar una acción jurídica
- iniciar una acción administrativa
 -
- utilizar la acción de una audiencia pública

*El **Independent Review Panel (IRP)** es el camino que se toma si desea que haya supervisión cívica del proceso y que los resultados se determinen mediante la acción de una audiencia pública.*

¿QUÉ CONSTITUYE UNA QUEJA GRAVE?

Es una información relacionada con daños considerables y específicos a la salud, la seguridad o el bienestar público,

○
Información en la que se alega:

- mala administración significativa
- conducta impropia o falta grave
- el dejar de tomar acción apropiada
- abandono de los deberes

El Panel asigna carácter prioritario a las quejas que pudieran resultar en acción correctiva para la mejora de los servicios del Condado al público.

¿CÓMO SE PLANTEAN LAS QUEJAS?

Usted puede plantear su queja por teléfono, por escrito, por *e-mail* o en persona.

Las quejas que requieren una investigación formal se refieren al director del departamento acusado, el cual realiza la investigación e informa al Panel por escrito de sus conclusiones. Este informe se comparte con usted. Si usted no está satisfecho con la investigación del departamento, se forma un comité compuesto por personal del Panel y un miembro del Panel.

Este comité se reúne con usted y representantes del departamento acusado para discutir la investigación y conclusiones. Luego el comité hace recomendaciones al Panel en su audiencia pública mensual.

El Panel analiza el modo en que se ha manejado la queja para garantizar que la persona que planteó la queja ha tenido la oportunidad de presentar su punto de vista. El Panel toma la decisión final en cuanto a las conclusiones y recomendaciones, y las envían al director del departamento acusado, al Administrador del Condado y al Alcalde Ejecutivo.

Teléfono:	305-375-4880
Fax:	305-375-4879
Email:	IRP@miami-dade.fl.us
Visite nuestro quiosco:	www.co.miami-dade.fl.us/irp

¿QUÉ PUEDE HACER EL PANEL?

Con el fin de encontrar soluciones sin riesgos, el Panel presta sus servicios en calidad de mediador de disputas, de las maneras siguientes:

- Estudia las quejas y las medidas tomadas al respecto por el departamento en cuestión
- Realiza mediaciones directas para lo cual emplea estrategias constructivas cuya finalidad es resolver conflictos
- Celebra audiencias públicas para atender las quejas que le sometan los ciudadanos y residentes

¿QUÉ SUCEDE CON LAS QUEJAS CONTRA UNA CIUDAD?

Los servicios del Panel están a la disposición de cualquier municipio del Miami-Dade County que desee utilizarlos. Para ello, es indispensable que el municipio le conceda la jurisdicción necesaria al Panel. El personal del Panel le informará a dónde debe dirigirse para las quejas relacionadas con actos indebidos del gobierno estatal o federal. Para las quejas relacionadas con funcionarios electos también existen otros conductos.

¿QUÉ DEBO SABER ANTES DE PLANTEAR UNA QUEJA DE REPRESALIA?

El Panel también se encarga de las quejas relacionadas con represalias. El Panel puede emitir citaciones para garantizar la asistencia de testigos y la presentación de expedientes. Según la Ordenanza Núm. 96-41:

- Es obligatorio informar, por escrito, dentro de 60 días del acta de represalia, al Administrador del Condado, o alguna otra autoridad, que usted ha sido objeto de represalia.
- Si sus alegaciones conducen a la recuperación de fondos del Condado y la audiencia pública demuestra al Panel que probablemente se tomaron las represalias contra usted, usted quizás tenga derecho a una recompensa monetaria.
- Si el Panel determina que su alegación de represalia fue frívola, usted pudiera ser responsable del pago de los gastos incurridos por el Condado.

¿Pueden someter quejas relacionadas con supervisores y compañeros de trabajo los empleados del Condado por mediación del IRP?

El IRP no duplica los procedimientos de quejas del Condado, los departamentos o los sindicatos. El IRP se involucra en las quejas que le sometan los empleados únicamente si se trata de un caso extremo de desigualdad o injusticia.

Poukisa Nou Bezwen Youn Panèl Endepandan (IRP) Pou Tyeke Plent yo?

Gouvènman-an sèlman pa ka jij-e-pati alafwa. Youn gwoup sitwayen endepandan e ki pa gen okenn atachman ak gouvènman-an se meyè fason pou chanje sistèm-nan pou l'ale nan pibon direksyon. Volontè sa yo se mounn ki devwe eke tout mounn konnen e respekte. Se mounn ki ka chita pale ak mounn epi tyeke pou wè kijan y'ap sèvi yo osnon fè rekòmandasyon pou ede retabli konfyans ak bonjan relasyon. Patisipasyon sitwayen yo enpòtan anpil pou bati youn kominote kote jistis ak lapè pral blayi. IRP-a ki vle di Panèl Sitwayen Endepandan sa-a kreye pou fouye zo nan kalalou epi pote solisyon lè gen malantandi ak diskisyon.

Sou Kibò Panèl-la Kanpe?

Manm Panèl la pare pou l'tande tout mounn epi chache evidans pou laverite blayi. Yo la pou byen tout mounn. Yo pa la pou satisfè youn gwoup mounn senpman. Mounn ki pote plent lan, pa bezwen atann yo pral ba-l satisfaksyon konsa, paske rekòmandasyon Panèl la baze sou etid evidans ki disponib yo.

Eske Panèl-la Ka Ede Depatman County Yo Pou Anpeche Mounn Pote Plent?

Wi. Anplwaye IRP (ki vle di Panèl Sitwayen Endepandan-an) bay antrènman sou teknik pou detekte plent yo. Ekip mounn sa yo disponib pou ede Depatman yo amelyore mwayen yo itilize baze sou rezilta ankèt ak rekòmandasyon Panèl la.

Kiyès Ki Kreye Panèl -la?

Se biwo komisyone County-a ki monte Panèl Sitwayen Endepandan sa-a pou ankouraje piblik la fè ofisyèl nan gouvènman-an konfyans epi amelyore relasyon yo ak kominote-a. Panèl la sèvi kon medyatè ant oumenm ak gouvènman-an lè yo pote plent serye kont youn Depatman oubyen anplwaye Miami-Dade yo.

Kouman Yo Garanti Pa P'Gen Patipri?

Panèl la endepandan, li fonksyone san konfyolo ak administrasyon gouvènman-an epi li bay tèt li misyon pou l'rete enpasyal pandan y'ap ankete sou plent sitwayen yo. Se Jij anchèf ki tabli nan onzyèm distrik la ki nonmen direktè ekzekitif la. Panèl la fòme ak volontè ki yomenm se diferan òganizasyon nan kominote-a ki chwazi yo pou tandè, tyeke epi rekòmande aksyon ki pou jwenn solisyon pwoblèm yo.

Kiyès Ki Nonmen Manm Panèl-la?

Se Konsèy Administration County-a (County Commission) ki nonmen manm Panèl la. Kanta pou Manm Panèl la menm, men òganizasyon ki chwazi-yo:

- Ajans Aksyon Kominotè
- Asanble Relasyon Kominotè
- Asosyasyon Avoka nan Miami-Dade County
- Asosyasyon Chèf Polis nan Miami-Dade County
- Lig Fanm Miami-Dade County ki ka vote



Alex Penelas
Mayor

BOARD OF COUNTY COMMISSIONERS

Gwen Margolis
Chairperson

Betty T. Ferguson Distrik 1	Katy Sorenson Distrik 8
Dorin D. Rolle Distrik 2	Dennis C. Moss Distrik 9
Dr. Barbara Carey Distrik 3	Javier D. Souto Distrik 10
Gwen Margolis Distrik 4	Miguel Diaz de la Portilla Distrik 11
Bruno A. Barreiro Distrik 5	Dr. Miriam Alonso Distrik 12
Pedro Reboredo Distrik 6	Natacha Seijas Millan Distrik 13
Jimmy Morales Distrik 7	

Merrett R. Stierheim
County Manager

Robert A. Ginsburg
County Attorney

Miami-Dade bay tout mounn menm avantaj kit se nan opòtinite pou travay osnon nan pran sèvis. Yo pa fè diskriminasyon kont mounn ki andikape.



GID POU TOUT SITWAYEN K'AP POTE PLENT NAN COUNTY-A

SE YOUN SEVIS

INDEPENDENT REVIEW PANEL

(PANEL SITWAYEN ENDEPANDAN)

METE ALA DISPOZISYON PIBLIK LA

Dr. Eduardo I. Diaz, Executive Director
140 West Flagler Street, Suite 1101
Miami FL 33130

Fè tandè vwa-n kounye-a pou n'ka jwenn solisyon pita

Pou Rezoud Plent Serye Yo, Ou Ka Pran:

- Youn aksyon politik
- Youn aksyon legal
- Youn aksyon administratif
oubyen fè
- Youn chita tande ak piblik la

Panèl Sitwayen Endependan-an (IRP) k'ap etidye plent yo, se meyè chemen pou chwazi si ou vle tout sitwayen patisipe nan pwosesis la epi pou rezilta yo soti nan odisyon k'ap fèt ak piblik la.

Kisa Ki youn Plent Serye?

Se enfòmasyon enpòtan ki gen rapò sou gwo domaj ki fèt nan kozman sante, sekirite ak byennèt piblik osnon enfòmasyon ki pretann gen:

- Move administrasyon
- Malveyans
(movèz konduit osnon magouy)
- Kalewès(neglijans pou pase alaksyon)
- Gwo neglijans nan travay la.

Panèl la bay priorite tout plent yo panse rezilta-a pral penmèt yo pran youn aksyon pou korije youn pwoblèm ki pral amelyore toutbonvire sèvis anplwaye County-a ap bay piblik la.

Kisa Ki Fèt Lò Youn Mounn Pote Plent?

Ou kab pote plent bay estaf Panèl-la pa-telefòn, pa-lèt ou anpèsòn. Plent ki mande youn investigasyon dirèk al jwenn direktè Depatman ki ankòz la.

Depatman yo akize-a, mennen investigasyon li epi fè youn rapò pa-ekri voye bay estaf Panèl la sou tou sa li jwenn. Menm rapò sa-a al jwenn ou tou. Si ou pa satisfè ak rezilta investigasyon-an Depatman-an, y'ap fòme youn komite ki gen ladann estaf Panèl-la ak youn manm Panèl-la. Komite sa-a pral chita ak ou ansanm ak reprezantan Depatman-an y'akize-a. Komite-a fè rekòmandasyon bay Panèl-la ki reyini chak mwa. Panèl-la revize devan piblik la kijan yo te mennen ankèt la sou plent ou te pote-a, pou wè si yo te bay mounn nan youn chans pou yo tande-l.

Panèl la gen dènye mo sou rekòmandasyon yo. Apre sa, yo voye rekòmandasyon yo bay Depatman yo te akize-a, *County* Manadjè-a, Komisyonè yo ak Majistra Ekzekitif la.

Eske Yo Ka Pote Plent Sou Entènèt?

Wi. Men adrès la:

Email: IRP@co.miami-dade.fl.us

Oubyen

Fè youn ti vizit nan Web Page County-a

<http://www.co.miami-dade.fl.us>

Ki Aksyon Panèl-la Ka Pran?

Panèl la gendwa rekòmande pou yo:

- Korije pwoblèm nan
- Disipline anplwaye-a osnon fè-l konpliman
- Revize règleman ak pwosede Depatmantal oubyen *County*-a itilize

Anplis, Panèl ka mennen ankèt ak:

- Youn komite endependan ki soti nan kominote-a
- Etidye plent yo pèsònèlman
- Prepare youn komite konferans nan kominote-a pou fè chita-tande sou plent yo

E Lò Se Lavil-menm Ki Pote Plent Yo?

Travay Panèl la disponib gratis pou nenpòt ki minisipalite nan *Dade* ki vle itilize-l. Men fòk minisipalite-a bay Panèl la dwa jiridiksyon pou l'ka adrese-l ak tout sitwayen yo. Panèl la gen otorite pou l'chita sou plent yo pote kont Gouvènman *County*-a.

Estaf Panèl la va di-w kibò pou al pote plent pou nenpòt bagay dwòl ki fèt nan gouvènman-an kit se te onivo Eta, kit se te onivo Federal. Gen lòt kote ou ka ale tou pou pote plent kont nenpòt ki ofisyèl nan gouvènman-an pèp la te eli.

Kisa M'Dwe Konnen Si M'Ta Vle Devwale Bagay Dwòl K'ap Pase Nan Gouvènman-an?

Panèl la anchaje tou pou l'okipe kesyon menas k'ap fèt sou mounn k'ap pote plent yo. Yo gendwa voye manda bay temwen pou yo vin temwaye osnon remèt dokiman. Pou pwoteje tèt ou kont nenpòt ki anplwaye *County*-a, youn depatman osnon youn ajan yo ta peye pou vin fè-w menas osnon revanj:

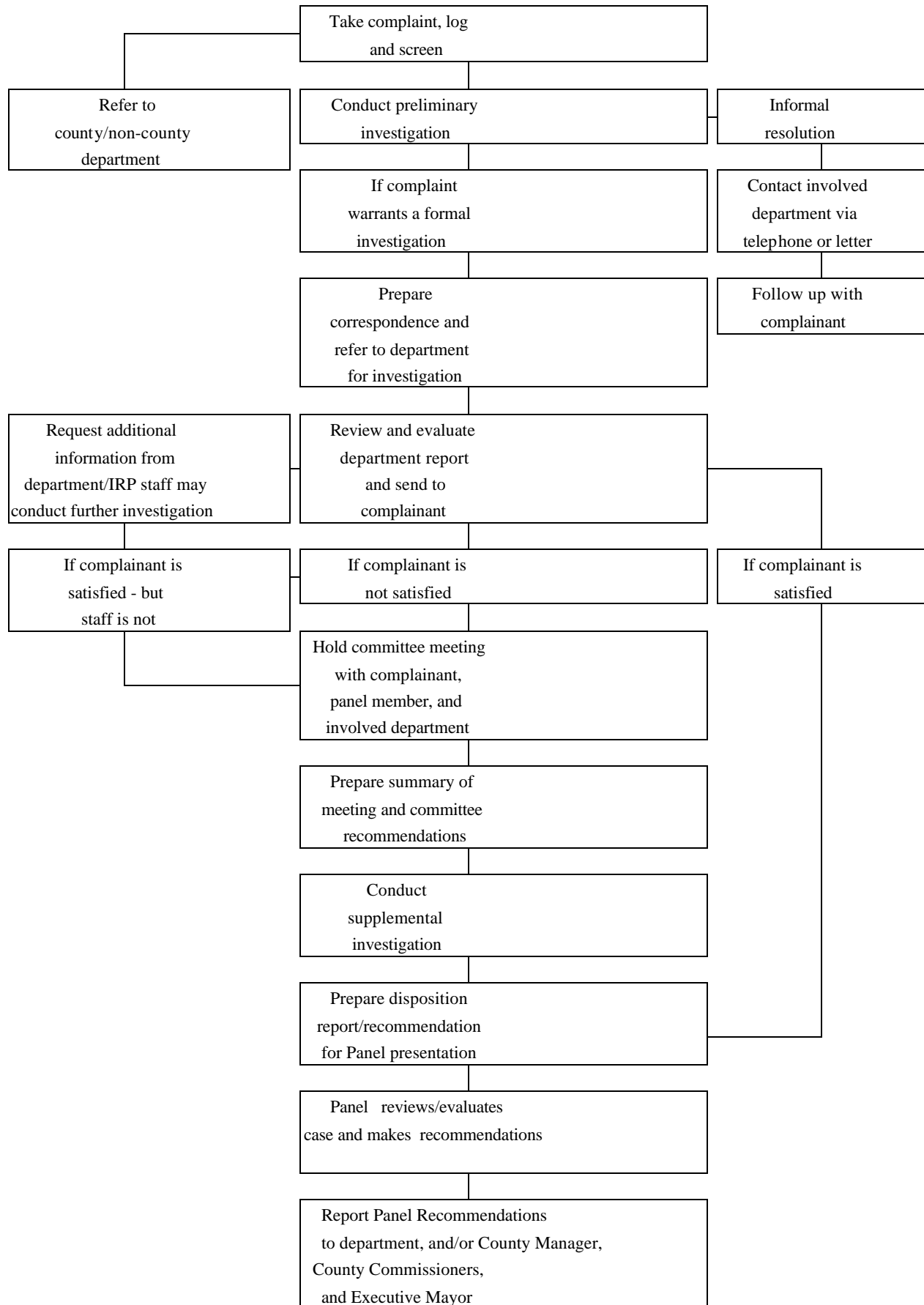
- Odinans 96-41-lan ki fenk soti-a mande pou avèti *County* Manadjè-a osnon nenpòt ki otorite pa-ekri pou di y'ap pèsèkite-w. Ou gen 60 jou pou fè sa.
- Si odisyon piblik la penmèt yo jwenn Panèl la te fè presyon sou ou osnon fè pèsèkite-w, ou ka elijib pou yo peye-w. Men pou jwenn kòb-la, fòk lè ou te fin mete koze-a deyò, sa te penmèt yo te rantre lajan yo t'ap vòlò *County*-a.
- Men si Panèl-la dekouvri ou bay manti alòske pèsonn pa fè-w pyès menas, yo ka rann ou responsab pou peye tout depans *County*-a fè nan investigasyon-an.



Rele 305-375-4880

Faks 305-375-4879

IRP Complaint process Flow chart



Complaint distribution

Department	A	B	M	MU	PC	Other	Total
	Formal Investigation Requested	Resolved Informally or Referred	Miscellaneous Complaints	Municipalities of Miami-Dade County	Job Related Complaints	All Others	
Aviation Department	0	2	1	0	1	0	4
Board of County Commissioners	0	0	0	0	0	0	0
Building Department	0	4	0	0	0	1	5
Clerk of the Courts	0	3	1	0	0	0	4
Corrections & Rehabilitation Dept.	4	7	0	0	1	2	14
Community Action Agency	0	4	0	0	0	0	4
Community & Economic Development	0	1	0	0	0	0	1
Construction Trades Qualifying Board	0	0	0	0	0	0	0
Consumer Services Department	0	0	0	0	0	0	0
County Attorney's Office	0	0	0	0	0	0	0
County Manager's Office	0	0	0	0	0	0	0
DERM	0	1	0	0	0	0	1
Elections	0	1	0	0	0	0	1
Employee Relation Department	1	0	0	0	0	0	1
Equal Opportunity Board	0	0	0	0	0	0	0
Fair Employment Practices	0	1	0	0	0	0	1
Finance Department	0	2	3	0	0	0	5
Fire Department	0	0	2	0	1	0	3
General Services Administration	0	1	0	0	3	0	4
Human Services Department	0	1	1	0	1	2	5
Independent Review Panel	1	0	0	0	0	0	1
I.T.D.	0	0	0	0	0	0	0
Jackson Memorial Hospital	0	0	0	0	0	0	0
Library	0	0	0	0	0	0	0
Mayor's Office	0	0	0	0	0	0	0
Miami-Dade Housing Agency	1	9	8	0	1	0	19
Miami-Dade Police Department	16	29	19	7	6	0	77
Miami-Dade Transit Agency	1	10	4	0	3	0	18
Miami-Dade Water & Sewer Dept.	0	11	6	0	0	1	18
Other Departments	0	0	54	17	4	45	120
Park & Recreation Department	0	5	0	0	3	1	9
Planning Development & Regulation	0	0	0	0	0	0	0
Property Appraisal Department	0	2	1	0	0	0	3
Public Works Department	0	12	1	1	1	0	15
Seaport Department	0	1	0	0	0	0	1
Solid Waste Department	0	5	0	1	0	0	6
Team Metro	0	15	2	0	0	0	17
TOTALS	24	127	103	26	25	52	357

What to expect at an IRP Meeting

I. WELCOME & INTRODUCTION

The Chairperson welcomes those present and gives a brief introduction of the role and function of the Independent Review Panel (IRP).

The function of the Independent Review Panel is to provide impartial, independent, and open investigation and disposition of serious complaints of alleged wrongdoing. The Panel may also review procedures and policies or general patterns of conduct which gives rise to conflict and misunderstanding between the County and the public. The Panel's rules of procedure state that the Panel shall "promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Miami-Dade County and the people of Miami-Dade County."

II. REVIEW FORMAT FOR COMPLAINTS

The Chairperson presents the format for complaint review. The focus of the complaint review will be on the findings and recommendations in the "Staff/Committee Recommendation to the Panel" report. Panel member/Panel staff overview should include:

- The Complainant's Allegations.
- The Department's Findings to the Allegations
- The Critical Issues Discussed in the Committee Meeting.
- The Committee Findings & Recommendations.

III. INVITATION TO SPEAK BEFORE THE PANEL

- A. The Chairperson invites the complainant to sit at the guest table to provide any new information that is not included in the "Staff/Committee Recommendation to the Panel" report, and/or to comment on the findings and recommendations in the report. After the complainant speaks, the representatives from the department will be invited to do the same. It is recommended that the parties not repeat what is in the report.



Miami-Dade Police Department Major A. Gentile addresses the Panel while the complainant listens.

- B. The Panel members may direct questions regarding any aspect of the complaint and/or investigation to the complainant and/or the department representatives. Questions may also be directed to Panel staff. All parties who wish to speak must ask to be recognized by the Chairperson. Any questions a party may wish to ask another party must be directed through the Chairperson, and not to each other.

IV. CLOSING OF FLOOR DISCUSSION & PANEL VOTE

The Chairperson closes the period of public comment and the Panel then commences discussion and disposition of the complaint. The Panel renders its disposition by way of a motion.

V. APPRECIATION FOR PARTICIPATION

The Chairperson thanks the complainant and department representatives for their participation and advises that each one will receive a copy of the final Panel Disposition Report.

Major IRP Accomplishment in 2000

Racial Profiling

Prohibition and Data Collection

The Miami-Dade Board of County Commissioners adopted a resolution that prohibits enforcement action based on race and requires the collection of data.

The initiative began in December 1999, when the Independent Review Panel, Congresswoman Carrie Meek and Commissioner Dr. Barbara M. Carey-Shuler co-sponsored a public hearing held to address whether “Racial Profiling” is a reality in Miami-Dade County. Several law enforcement agencies were represented. 54 citizens testified they were stopped by police because they are Black.

Following the public hearing, the Independent Review Panel recommended that:

1. All local law enforcement departments adopt a written policy that prohibits racial profiling and defines the term.
2. The Board of County Commissioners (BCC) pass legislation that provides for Zero Tolerance of Racism, and requires the collection of race, gender age and ethnicity on all stops, whether or not a person is arrested or cited.

The **Miami-Dade Police Department** released an Enforcement Profiling Policy on January 21, 2000, which defined Enforcement Profiling as “the exercise of police authority based solely upon an individual’s race, ethnic origin, gender, age or income status,” and prohibits “Enforcement Profiling, as defined.”

The **Board of County Commissioners** adopted Resolution 1090-00 on October 10, 2000, which:

- Prohibits racial profiling and requires traffic stops to be initiated solely on legal grounds.
- Directs MDPD to collect, analyze and report on data from motorists in all traffic stops.
- Authorized the IRP to receive complaints from citizens who believe their stop was racially motivated.

MDPD contracted with a professional research group experienced in racial profiling issues to collect data. The group is headed by Dr. Geoffrey Alpert.

Sample cases reviewed

The Schoolteacher

It started when a female schoolteacher and her 64-year-old mother drove into the parking area of their condo. A uniformed police officer in a marked car was parked along the entrance, talking to the security guard. The schoolteacher pulled up behind the officer's vehicle, got out of her car and walked between her car and the officer's vehicle. Suddenly the officer began to back up. The teacher yelled, "You almost hit me," and the officer yelled, "Move." The teacher alleged that the officer used offensive language. The officer alleged that the teacher refused to move. There was a verbal exchange during which the officer told the teacher to move or he would be *forced* to arrest her for obstruction of traffic." The incident ended when the 30-year-old officer arrested the teacher and her mother, handcuffed them and took them to jail. The officer placed eight charges on the pair, including felony charges.

The Miami-Dade Police Department (MDPD) Disposition Panel did not sustain allegations of discourtesy and unnecessary use of force.

Independent Review Panel Findings:

There is evidence in the Internal Affairs investigative file, which was not considered by the MDPD Panel, that the officer overreacted, used unnecessary force and was inconsistent in his statements.

The MDPD Operations Manual characterizes Overreaction as "the use of harsh language, unjustified use or display of force, ...arrest for minor violations that ordinarily warrant a citation, or warning, or exhibition of prejudice." The IRP found the charges placed on the mother and daughter were excessive and some were not supported by evidence. The officer justified his behavior by alleging that the two women were "attacking" him to the point that he "couldn't even get on the radio" to call for backup. While the women are allegedly attacking the 30-year-old officer, the security guard watched but offered no assistance. The officer said, "It was me verses them basically. I had no help."

The IRP asked the MDPD Director to reopen the complaint and consider the Panel's findings. MDPD responded by saying that the Command Staff was "confident that the incident was handled properly pursuant to all policies and procedures." Since then, the IRP has been able to engage the Police Department in constructive dialogue and, in February 2001, the case and the IRP findings were sent to a Panel of Majors for further consideration.

The Assistant Director and the Acting Major

The Independent Review Panel received a copy of a letter, signed "Concerned Employees of the MDPD," addressed to the Mayor, County Manager and Inspector General, alleging official misconduct on the part of an Assistant Director (A.D.) of the Miami-Dade Police Department and the Acting Major of the Professional Compliance Bureau (PCB).

The letter cited a complaint filed with PCB that the A.D. and a Special Investigations Division secretary were at the Wellesley Inn together during working hours. The letter also alleged that the Acting Major of the Professional Compliance Bureau violated investigative procedure and departmental rules when he personally discussed the Wellesley Inn complaint with the A.D. the same day PCB received it. After a lieutenant, sent to the Wellesley Inn by the Acting Major, reported that he saw the A.D. and the secretary in the parking lot of the Inn, the Acting Major met with the A.D. and “relayed the events of the day.” The Acting Major said he was concerned for the A.D.’s safety and felt it necessary to warn the A.D. that someone might be “stalking” him.

The MDPD Director became aware of the Wellesley Inn incident 18 days after it happened, when he received an anonymous package containing pictures of the A.D. and the secretary in the Wellesley parking lot, under observation by the PCB lieutenant. The subsequent PCB Internal Affairs (IA) preliminary investigation documented the existence of a receipt for the date in question, showing that the A.D. registered into room #213 at 12 noon and vacated the room at 3:48 PM. The investigation also documented that the official attendance record for both the A.D. and the secretary showed they worked eight hours that day. However, an attached change form reflected five hours of annual leave for the A.D. and later an “unposted leave slip” for the secretary was found in the squad’s payroll records.

The IA conclusion was that, since leave slips were discovered for both parties, the incident was an off-duty matter and did not merit a formal investigation.

The letter presented another incident in which the A.D. struck a private vehicle while he was driving his County vehicle. A Public Service Aide (PSA) observed erratic driving, called for back up, pulled over the driver and asked for a Driver’s License. When the PSA saw the name of the A.D. on the license, he immediately called for a supervisor. The officers who responded to the scene described the A.D.’s behavior as: “appeared disoriented,” “speech was slurred but coherent,” “lost his balance and had to be held up by [two] officers.” When an officer asked the A.D. to sit in his vehicle to ensure his safety, the A.D. declined, saying “everything is fine.” The supervisor took the A.D. to get a bite to eat and sent him home. There was no written documentation regarding this incident.

When the IRP asked MDPD to conduct a formal investigation of the incidents, the MDPD Director advised that no formal investigation was necessary because he:

- concluded that there were no violations of departmental procedures in the Wellesley Inn incident.
- concluded the Acting major’s notification to the A.D. did not meet the standard of a violation of investigative protocols, departmental policies, however the Acting Major “displayed deficient judgment in not immediately informing Department Director of his concerns for the A.D.’s personal safety...”
- determined that the collision incident was handled properly pursuant to all established departmental rules and statutory provisions. The A.D. personally met with the Director and advised he had gotten suddenly ill due to an adverse reaction from an over-the-counter allergy medication (Benadryl). He indicated that he was fully recovered.

Independent Review Panel Findings:

1. Public trust and employee morale are eroded when there is “the perception” that high ranking officials are protected by a compromised investigation of wrongdoing. Public trust is further eroded when the perception that the application of traffic laws is different for law enforcement officials than for the ordinary citizen, is not debunked by swift investigative documentation. The behavior of the Acting Major and Assistant Director, as revealed in this complaint, violates the spirit of the MDPD mission statement that says:

“Integrity is the hallmark of the Miami-Dade Police Department and we are committed to the highest performance standards, ethical conduct and truthfulness in all relationships. We hold ourselves accountable for our actions and take pride in a professional level of service and fairness to all.”

2. The IRP found that the A.D. was the subject of protection from embarrassment by superiors and/or management decisions.
3. The IRP found that a practice of “creating no record” was evident – No contact record was made of the anonymous complaint to Internal Affairs, no record was made of the lieutenant’s surveillance of the Wellesley Inn, no record was made of the Acting Major’s meeting with the A.D., no record was made of the traffic stop or collision.

During the IRP review of this complaint, the Acting Major was promoted to Major. Within days of the public IRP hearing, unexpected changes were made in the PCB staff. Among those transferred were the PCB commander, the lieutenant who conducted the surveillance and the lieutenant who served as liaison to the IRP.

The Baker Act

(Florida’s Baker Act provides for a 72-hour involuntary examination of persons perceived to be mentally ill who are a threat to themselves or to others.)

A motorist flagged down two officers and advised them that Bobby was driving erratically and then exited his vehicle armed with a gun. The officers observed Bobby standing in the roadway, with his hands extended downward in front of him. One of his hands appeared to be concealed inside a black sock and it appeared as though he were holding a gun. Back-up officers closed off the area and for the next 30 minutes tried to talk Bobby into surrendering. Some officers knew him and called him by name. Suddenly Bobby raised both arms up to a shoulder position shooting stance and pointed the covered hand at the officers. The officers responded with gunfire. Bobby was struck approximately 25 times. Bobby asked the officers to let him die.

Bobby survived. No firearm was discovered in the dark sock over his right hand. Later, it was determined that Bobby had cocaine and marijuana in his system.

A year earlier, there had been a similar incident in which Bobby pulled a knife and asked officers to shoot him. After an hour of negotiations, an officer grabbed the weapon and Bobby was Baker Acted into a Crisis Center.

The State Attorney determined that the shooting was justified. The NAACP asked the IRP to review this case and make recommendations regarding police encounters with mentally ill acting-out citizens.

Independent Review Panel Findings:

1. MDPD conducted a thorough post-shooting investigation.
2. Line police officers do not currently have non-lethal equipment options readily available.

The IRP recommended that non-lethal equipment availability for line officers become a priority funding consideration for the Board of County Commissioners and that MDPD provide state-of-the-art “negotiating with the impaired or mentally ill” training to assure each MDPD squad has at least one active negotiator, available to respond on short notice.

Examples of mediated complaints

The Special Transportation Services identification card allows disabled citizens free access to public transportation. Policy allows a duplicate to be issued only once a year. When the complainant lost his ID, he requested a duplicate. His request was denied because he had received his original ID only a few weeks earlier. Following the IRP intervention, management developed written procedures for the replacement of ID cards and replaced the complainant’s ID. The complainant was satisfied and the Department Director was commended for his fact-finding and dispute-resolution efforts.

In July 1999, when the complainant bought a house that was rented to a Section 8 (subsidized rent for low income families renting in the private sector) tenant, he took the bill of sale and supporting documents to the Miami-Dade Housing Authority (MDHA) so that the subsidy payments could be made to him. He contacted MDHA periodically between July 1999 and March 2000, trying to discover why he was not receiving monthly payments. He was finally told that his payments were mistakenly sent to the previous owner and Section 8 could not pay him until the money was recovered from the previous owner. After the IRP intervened, the complainant received a check for \$10,440.00, the subsidy for fourteen months rent.

REPORT TO THE BOARD OF COUNTY COMMISSIONERS

I. GENERAL INFORMATION

1. Board reporting: ***INDEPENDENT REVIEW PANEL***
2. Indicate number of board members, terms of office, and number of vacancies:

Board Size - Nine (9) Members

Terms of Office - Three (3) Years

Vacancies - One (1)

Current Members:

Riley Davis, Jr., *Chairperson, nominated by the Urban League of Greater Miami, Inc*
Rev. James Phillips, Jr., *1st Vice Chairperson, nominated by People United to Lead the Struggle for Equality (PULSE)*

Heddy Peña, *2nd Vice Chairperson, nominated by ASPIRA of Florida, Inc.*

Edward G. Guedes, Esq., *nominated by the Community Relations Board.*

Major Noel A. Rojas, *nominated by the Dade County Association of Chiefs of Police*

Doris Shellow, *nominated by the League of Women Voters*

Stewart D. Williams, Esq., *nominated by the Dade County Bar Association*

Min. Dr. Freeman Wyche, Sr., *nominated by the African American Council of Christian Clergy (AACCC)*

3. Identify number of meetings and members' attendance (last 12 months):

Number of Meetings - Twelve (12)

Attendance Chart – Page 30

4. What is the source of your funding?

The County General Fund from ad valorem taxes.

5. Attach a copy of the board's bylaws or standard operating procedures.

IRP Ordinance – Page 31

IRP Rules of Procedure – Page 35

II. EVALUATION CRITERIA

1. Is the Independent Review Panel serving the purpose for which it was created?

Yes, the nine member Panel is a balanced citizen review board which is representative of the Miami-Dade County population. The IRP is actively engaged in external fact-finding and dispute resolution. It fulfills its legislative mandate to conduct independent reviews of serious complaints against employees, agencies and instrumentalities of County government through regularly scheduled public hearings.

2. Is the Independent Review Panel serving community needs?

Yes, the community needs an independent, non-adversarial venue in which to resolve conflicts between its citizens and its government. The IRP provides for citizen oversight that is independent and free of conflicts of interest. Committed volunteer Panel members listen to the people and to representatives of County Departments, and make recommendations to improve the way the County conducts business.

3. a. What are the Panel's major accomplishments - Last 12 months?

Contributed to the adoption of “Zero Tolerance of Racial Profiling” legislation, policy and practice in Miami-Dade County:

- Based in part on the Independent Review Panel’s recommendations, the Board of County Commissioners adopted Resolution R-1090-00, by a vote of 9-0, which:
 - Prohibits racial profiling and requires traffic stops to be initiated solely on legal grounds.
 - Directs MDPD to collect, analyze and report on data from motorists in all traffic stops.
 - Authorizes the IRP to receive complaints from citizens who believe their stop was racially motivated.
- Voted to provide copies of the Tucson Police Department Video on racial profiling to Miami-Dade and local municipal police departments.

Promoted enhanced community/police relations on the local and national level:

- The Executive Director presented the IRP process model by invitation as follows:
 - US Department of Justice, Bureau of Justice Assistance Policy Briefing, “To Protect and Serve: Building Public Trust and Confidence in law Enforcement.”
 - American Psychological Association, “Improving Police/Community Relations: The Independent Review Panel Process Model.”
 - National Association of Human Rights Workers Annual Training Conference, “Human Rights: Strengthening Partnerships and Coalitions.”

- Local NAACP Community Hearing on “Police Brutality.”
- The Panel commended two MDPD sergeants for their thorough and objective Internal Affairs investigations.

Mediated complaints involving Section 8 payments made to the wrong person, police and/or citizen escalation of minor incidents, violation of Internal Affairs procedures, the interpretation of policy regarding the replacement of Special Transportation Service identification cards, and procedures of the County’s Pipeline Committee.

Initiated study of Police Complaint Withdrawal Forms in Miami-Dade County and recommended the revision of the current MDPD Complaint Withdrawal Form so that it is more understandable to complainants.

Initiated a web-based database so that information regarding complaints can be accessed by the public on the Internet.

Received a total of 357 requests for service.

3. b. What are the Panel's major accomplishments – Since Established?

- IRP staff compiled data from information provided by 28 of the 30 local police departments and prepared a report entitled “Police Complaints and Race: An Independent Review Panel Preliminary Staff Report.”
- A public hearing, sponsored by the IRP, Congresswoman Carrie P. Meek and Commissioner Dr. Barbara Carey-Shuler was held in the Caleb Center on December 1, 1999. Fifty-four speakers gave testimony on “Driving While Black/Racial Profiling.”
- The Panel released a report entitled “Police Complaints & Race: IRP Findings & Recommendation,” in which the Panel recommended that the Board of County Commissioners: Consider appropriate legislative action to encourage or require local police departments to collect race, gender, age & ethnicity data on all arrests and stops, and pass a “Zero Tolerance of Racism Ordinance.”
- Recommendations made by the Panel resulted in revisions to Corrections & Rehabilitation Standard Operating Procedures which expedited the movement of complaints through the system, created an employee profile system, improved promotional procedures, and initiated a review of disciplinary action policy to ensure that appropriate and timely discipline is taken to address officer misconduct.
- The Independent Review Panel (IRP) implemented the “Whistle-Blower” process per Ordinance 96-41 and judiciously utilized subpoena power in the first case.
- The IRP was restructured by Ordinance 97-86, resulting in a new expanded Panel of nine members and improved the ethno-cultural and gender balance by the appointment of four new members.

- IRP staff accountability was improved by Resolution R-653-97 that formalized a performance evaluation schedule that holds the Executive Director publicly accountable on a regular basis.
 - The IRP published a brochure entitled “Citizens Guide to County Accountability” that is available in English, Spanish and Haitian Creole.
 - The IRP published a Web Page at www.co.miami-dade.fl.us/irp. Many other IRP accomplishments are available at the web site.
4. Is there any other board, either public or private, which would better serve the purpose for which the Independent Review Panel was created?

No, there is no other body providing civilian oversight of police agencies in Miami-Dade County, nor is there a body that provides independent dispute resolution services to improve how the County relates to the community it serves.

5. Should the ordinance creating the Independent Review Panel be amended to better enable the Panel to serve the purpose for which it was created?

While there has been a consistent public call for the ordinance to be amended to grant the Panel subpoena power and clear jurisdiction over Miami-Dade County municipalities, no unity has emerged as the Panel continues to discuss these issues.

6. Should the board’s membership requirements be modified?

No, the current requirements provide for a balanced gender and ethno-cultural representation.

7. What is the operating cost, both direct and indirect, of maintaining the Independent Review Panel?

Given the small staff, all IRP staff members are focused on direct services with occasional necessary indirect activities.

<u>Operating Cost</u>	
FY 99-00	\$388,000
FY 00-01	\$404,000

8. Is the Independent Review Panel meeting performance measures developed to determine effectiveness in achieving stated goals?

Yes, all stated goals for 2000 were met or surpassed.

- No Panel meeting was canceled due to lack of quorum.
- The public information and education campaign was successfully enhanced by bus and train poster visibility and press media coverage of important cases and issues.

- Staff made use of the new database program effectively and was able to address the growing case load and still maintain quality.
- The IRP process was recognized by the U.S. Department of Justice as worthy of sharing with other communities.

Standard professional evaluations are improvement oriented and of a continuous sequential nature, focusing first on structure, then process, then outcome evaluation followed by informed change and more of the same. The IRP performance measures are process oriented for 2000, and are best expressed in qualitative terms as opposed to numbers or percent of disputes resolved. Quantitative information is rarely appropriate given that traditional measures of success such as establishing the satisfaction of one party in a dispute tend to diminish the value of the process itself and the discoveries that are made therein.

Process Integrity Performance Measures

1. Is everyone treated with respect?
2. Are Panel members alert to perceived injustice?
3. Does the Panel command respect in the community?
4. Does Panel staff take care to listen, report fairly and look out for injustice from multiple socio-cultural perspectives?
5. Are investigations of powerful alleged wrongdoers pursued like others?
6. Are County Departments provided unbiased feedback on how to improve service to citizens?
7. Is Complaint Prevention Skills training proactively offered?
8. Are public resources efficiently and effectively utilized?
9. Are fact-finding and dispute resolution meetings held at times and locations convenient to the citizens?
10. Is the public well informed of Panel process availability?

The answers to these questions may be depicted in a variety of ways at different times, but what is most important is that they be frequently asked and answered by Panel members and staff. For now, the overall assessment of the currently constituted Panel is indicated bold on the scale that follows:

1	2	3	4	5
NEVER	HARDLY EVER	SOMETIMES	<u>ALMOST ALWAYS</u>	ALWAYS

Panel attendance record

Name of Panel Member	App./Re-Apppt. Date	1/27/00	2/24/00	3/23/00	4/27/00	5/25/00	6/15/00	7/27/00	8/24/00	9/21/00	10/26/00	11/22/00	12/21/00
Riley Davis, Jr.	11/4/97	P	P	P	P	P	P	P	P	P	P	P	P
Edward G. Guedes, Esq.	11/4/97	P	P	P	E	P	P	E	P	E	P	E	E
Heddy Peña	11/5/97	P	P	E	P	P	P	P	P	P	P	P	P
Rev. James J. Phillips, Jr.	2/19/98	P	E	P	P	P	P	E	P	E	P	P	E
Major Noel A. Rojas	11/5/97	P	E	P	E	P	P	E	E	E	E	E	P
Doris J. Shellow	11/5/97	P	E	P	P	P	A	P	P	P	P	P	P
Stewart D. Williams, Esq.	11/5/97	P	P	E	P	E	P	E	P	E	P	P	E
Min. Dr. Freeman Wyche, Sr.	2/19/98	A	P	P	P	P	A	P	E	E	P	E	E

* A vacancy now exists for a Panel member to be nominated by the Community Action Agency (CAA).

Key: A - Absent

P - Present

E - Excused

County Code ARTICLE IC.

Sec. 2-11.41. Legislative intent and purpose; liberal construction.

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. It is also the intent of the Board of County Commissioners that the Independent Review Panel conduct hearings as provided in Chapter 2, Article LXXI of the Code where there is a complaint of retaliation for the disclosure of specific information. The provisions of this article shall be liberally construed to accomplish these legislative objectives.

Sec. 2-11.42. Created, established.

There is hereby created and established an Independent Review Panel (hereinafter referred to as the "Panel") pursuant to Section 4.08(a) of the Miami-Dade County Home Rule Charter.

Sec. 2-11.43. Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.

(A) The Panel shall consist of nine (9) members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and has demonstrated an active interest in public affairs and service.

(1) Members:

(a) In order to secure representative membership on the Panel, each of the following five (5) community groups or organizations shall submit a list containing the names of three (3) qualified persons [and] the Board of County Commissioners shall select one (1) panel member from each of the five (5) lists:

(i) The Community Relations Board.

(ii) The Community Action Agency.

(iii) The Miami-Dade County League of Women Voters.

(iv) The Miami-Dade County Bar Association.

(v) The Miami-Dade Police Chiefs' Association. Each nominee by the Miami-Dade Police Chiefs' Association shall be an Association member. In the event the Panel is investigating an incident involving the jurisdiction employing this appointee, the Miami-Dade Police Chiefs' Association shall submit the names of three (3) different members for an appointment as a substitute until the conclusion of the investigation. In the event that none of the three (3) nominees meets with County Commission approval, the nominating entity shall submit another and entirely different list for Commission consideration. This process shall continue until a member has been appointed.

(b) In addition to the five (5) Panel members selected in accordance with the preceding subparagraph (a) of paragraph (1) of this subsection, four (4) members shall be appointed by the Panel based on consensus of integrity and community representation, considering ethnocultural and gender balance.

The foregoing appointments shall constitute the membership of the Panel, and each member shall serve for a period of three (3) years. The Board of County Commissioners may extend this term if necessary to complete any pending investigation(s).

(2) Nonpermanent members. In addition to the foregoing, former Panel members may serve as substitute Panel members given advanced notice of absence of current members or vacancy pending appointment.

(B) Members of the Panel shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties as shall be determined and approved by the Board of County Commissioners. Before entering upon the duties of office, each member shall submit written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.

(C) Any Panel member shall be automatically removed if absent for three (3) consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three (3) years from the date of appointment.

Sec. 2-11.44. Organization and procedures.

(a) The members of the Panel shall select a chairperson to serve at the pleasure of the Panel, together with such other officers as may be deemed necessary by the Panel.

(b) A simple majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum.

(c) All action by the Panel shall be by majority vote.

(d) All Panel proceedings shall be conducted in accordance with the [Government-in-the-] Sunshine Law, Section 286.011, Florida Statutes.

(e) All Panel proceedings shall be conducted in accordance with the provisions of the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter.

(f) The Panel shall be deemed an "agency" for purpose of compliance with the Public Records Law, Chapter 119, Florida Statutes.

Sec. 2-11.45. Authority and powers generally.

(a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether complaints or grievances are sufficiently serious to institute a review process.

(b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.

(c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.

(d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.

- (e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.
- (f) The Panel may conduct or participate in conferences, inquiries, meetings or studies.
- (g) The Panel may request the County Attorney to render opinions relating to its duties, jurisdiction or power.
- (h) The Panel shall not interfere with any ongoing criminal investigation of the State Attorney.

Sec. 2-11.46. Panel proceedings.

Panel members shall meet with staff from time to time:

- (1) To consider the County's complaint review processes and investigatory activities designed to serve the public; and
- (2) To consider whether any complaint or grievance filed with the Panel is sufficiently serious to merit review by the full Panel.

Full panel meetings shall be scheduled monthly and with appropriate notice given to the public.

Sec. 2-11.47. Interim reports during pending review.

At least every thirty (30) days, the Panel shall receive interim reports from staff with regard to each pending review.

Sec. 2-11.48. Final reports on matters reviewed; referral for further proceedings.

The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Manager and the director of the concerned County department. If the Panel has reason to believe that any public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities.

Sec. 2-11.49. Simultaneous reviews.

The Panel may review more than one (1) incident at the same time.

Sec. 2-11.50. Immunity of Panel members from suit.

The Panel members shall be, to the full extent permitted by law, immune from any suit based upon any action or report undertaken within the scope of the Panel's duties or powers as provided in this article.

Sec. 2-11.51. Physical facilities and staff.

- (a) Office space, etc.; auditorium. The County shall provide the Panel with appropriately located office space and auditorium facilities together with necessary office supplies, equipment and furnishings.
- (b) Executive Director. The Panel shall have an Executive Director who shall be appointed by the Chief Judge of the eleventh Judicial Circuit, and who shall, in consultation with the County Manager, establish the rate of remuneration of the Executive Director.

- (c) Staff. The Executive Director may hire and administer the necessary staff, subject to budgetary allocation by the Board.
- (d) Legal counsel. The County Attorney shall provide the Panel with necessary legal counsel.
- (e) Research, investigative personnel. The Panel may request the Board to provide such other fact-finding and research personnel as it may determine are necessary from time to time.

Sec. 2-11.52. Municipal utilization of Panel authorized.

At the request of any municipality, on a case-by-case basis or for a time certain, the Panel may assume jurisdiction to consider complaints of citizens against any employee, agency or instrumentality of said municipality. The Panel may proceed to consider, review, investigate and conduct hearings relative to such complaint or grievance. In such event, all references to the County or County officers, employees or representatives shall be determined to be references to the municipality and to the municipal officers, employees or representatives who serve in comparable capacities.

RULES OF PROCEDURE

*Approved 11-24-98
Section 3.5 modified 11-18-99*

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SECTION 1. PURPOSE

It is hereby declared to be the purpose of these rules of procedure to facilitate the independent review process in Miami-Dade County, Florida, which shall be based on due regard for the Constitutional Rights of all persons, and which shall promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Miami-Dade County and the people of Miami-Dade County.

In order that this purpose be achieved, the Independent Review Panel shall receive, consider, investigate and provide a public forum for the airing of serious complaints or grievances brought by the Public against any employee, agency or instrumentality of Miami-Dade County, Florida. These rules provide for the impartial, independent, open and prompt investigation and disposition of complaints and grievances in a manner which protects both the Public and the County agencies, instrumentalities or employees who are involved in such complaints. The Panel will encourage members of the public to bring forward legitimate complaints of abuses and allegations of improper conduct as it is imperative that they be able to communicate freely to the Panel their dissatisfaction with County services or with the particular conduct of individual employees or agencies of the County. The provisions of these rules shall be liberally construed to achieve these objectives.

It is a further purpose of these rules to facilitate the ability of the Independent Review Panel to review the established County procedures and policies or general patterns of conduct which give rise to conflict and misunderstanding between the County and the Public and to make recommendations to the appropriate authorities regarding revision of said policies and procedures.

SECTION 2. DEFINITIONS

Wherever used in these rules, unless plainly evident from the context that a different meaning is intended, the following terms mean:

2.1 "Accused Party" means the employee, agency or instrumentality of Miami-Dade County, Florida, or of any municipality which elects to avail itself of the Panel's services, against whom a Complaint or Grievance is directed.

2.2 "Aggrieved Person" means any person who appears from a Complaint or Grievance to have suffered injury, harm, humiliation, indignity, or any other damage whatsoever as a result of misconduct by any County agency, employee or instrumentality.

2.3 "Chairperson" means the Chairperson of the Independent Review Panel or the Vice Chairperson, if the Chairperson is not able to preside.

2.4 "Complaint" or "Grievance" means a statement alleging that an employee, agency or instrumentality of Metro-Dade County has engaged in an improper act or misconduct in connection with the performance of their official duties, or a statement indicating that the Complainant believes that an existing policy, rule, procedure or practice operates to the detriment of the community as a whole or any segment thereof.

2.5 "Complainant" means any individual who files a Complaint or Grievance regarding the conduct of any County agency, employee or instrumentality. The Complainant may, but need not be an aggrieved person.

2.6 "County" means Miami-Dade County, Florida. The County is governed by an Executive Mayor and a thirteen member Board of County Commissioners. They employs a Manager to administer, on a day-to-day basis, the activities of employees who provide services such as police, fire, garbage collection, recreation and zoning for the unincorporated areas of the County. Miami-Dade County has an area of 2,000 square miles that has within it 30 municipalities. County-wide services such as environmental control, transportation, indigent health care, social services, water and sewers, maintaining tourist attractions and the county court system are provided for all residents (approximately 2.3 million).

2.7 "Enabling Ordinance" means County Ordinance No. 80-8 adopted by the Board of County Commissioners, Miami-Dade County, Florida, which became effective February 19, 1980, as amended.

2.8 "Panel" means the nine (9) members of the Miami-Dade County Independent Review Panel appointed in accordance with the provisions of the Enabling Ordinance.

SECTION 3. ORGANIZATION AND MEETINGS

3.1 Composition of the Panel

The Panel shall consist of nine (9) members, five (5) appointed by the Board of County Commissioners and four (4) by the Panel members, taking into consideration ethno-cultural and gender representation, as provided by the enabling ordinance. Each Panel member shall be a qualified elector of Miami-Dade County, shall possess a reputation for civic pride, integrity, responsibility, and shall have demonstrated an active interest in public affairs and service.

3.2 Reserved

3.3 Term

A. Panel members: each member of the Panel shall serve for a period of three years, which term may be extended by the Board of County Commissioners if necessary to complete any pending investigation(s). Any vacancy shall be filled in the same manner as the original appointment.

3.4 Compensation

Members of the Panel shall serve without compensation, but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their official duties. Before entering upon the duties of office, each member shall submit a written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.

3.5 Election of Chairperson, Vice Chairpersons

The members of the Panel shall in November elect a Chairperson and two Vice Chairpersons to serve for a term of one year beginning with the first Panel meeting in January. The Chairperson may serve for more than one term. In the absence of the Chairperson, at any meeting, the First or Second Vice Chairperson shall preside over the meeting. In the absence of the three officers, the panel may carry on business by electing an Acting Chairperson from the members present.

3.6 Election of Other Officers

The members of the Panel may select such other officers as the Panel deems necessary in accordance with the provisions of the Enabling Ordinance.

3.7 Transaction of Business

A majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum. The affirmative vote of a majority of the Panel members present shall be necessary to take any action. Any such actions shall be made at a meeting open to the Public in accordance with the Sunshine Law, Chapter 286.011, Florida Statutes. All meetings shall be conducted in accordance with such rules of order as the Panel may from time to time adopt. All Panel proceedings shall be conducted in accordance with the provisions of the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter.

3.8 Special Committees

Special Committees as may be necessary shall be appointed by the Panel Chairperson.

3.9 Panel Meetings

The regular meetings of the Panel shall be held with such frequency and at such time and place as the Panel elects. Special meetings may be held at the call of the Chairperson or the acting Chairperson. Upon petition of three (3) members of the Panel, the Executive Director shall call a meeting within two (2) weeks.

3.10 Attendance at Meetings

If a member of the Panel fails to attend three (3) consecutive meetings without a satisfactory excuse and notification prior to the meeting or if a Panel member is absent for more than one-half of the Panel's meetings during his or her term of office, his or her appointment shall cease. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. Any such excuse shall be subject to the approval of a majority of the Panel members present at the meeting. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners.

3.11 Executive Director

The Chief Judge of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, shall appoint one (1) person to be the Executive Director of the Independent Review Panel. The Executive Director shall hire and shall supervise administrative, clerical, investigative and other personnel necessary to discharge the functions of the Independent Review Panel. The Executive Director shall promulgate internal office procedures and prepare necessary standardized forms for the conduct of investigations and the receipt of Complaints or Grievances. The daily operations of the

Panel, including the conduct of the investigations, shall be managed by the Executive Director who shall oversee the regular functioning of the staff assigned to carry out the duties of the Panel.

SECTION 4. PROCEDURES REGARDING COMPLAINTS OR GRIEVANCES

4.1 Policy

A. It is the policy of the Independent Review Panel to encourage citizens, who have serious Complaints or Grievances concerning the conduct of any employee, agency or instrumentality of Miami-Dade County, Florida to bring the same to the attention of the Independent Review Panel, which Complaint, if appropriate, will be considered, investigated and disposed of in accordance with the procedures set forth herein.

B. As promptly as possible the Panel's Executive Director shall notify each known aggrieved person, and each known accused employee, agency or instrumentality of the County that the matter is the subject of a Complaint or Grievance and shall forward a copy of the complaint form.

C. The Independent Review Panel will make every effort to ensure that no adverse consequences will result to any person or witness as a result of having brought a Complaint or having provided information in any investigation of a Complaint.

D. The Independent Review Panel will make every effort to consider and to respond to citizens' Complaints and Grievances against any employee, agency or instrumentality of the County, and, if necessary, will conduct an impartial, open and fair investigation into any such Complaints or Grievances in accordance with the procedures set forth herein.

E. The right of any person to bring a Complaint shall be absolute and unconditional; the reluctance or refusal of the Complainant to prepare a complaint form shall not impair his or her right to lodge a Complaint. If the Complainant will not fill out the form or sign it, it shall be completed by the Panel employee or Panel member with whom the Complaint is lodged.

4.2 Receiving Complaints

A. Complaints may be accepted in writing, in person, by telephone or by any other means of communication, whether the Complainant offers his or her name or submits the Complaint anonymously.

B. A Complaint may be lodged with the Independent Review Panel on behalf of oneself or on behalf of another person by any interested person or group.

C. All Complaints, if authorized under these rules, shall be investigated thoroughly, competently and impartially and be brought to final disposition in a reasonable manner which is fair to all parties.

D. No Complaint or Grievance will be deemed to have been filed with the Panel unless and until it has been reduced to writing, in accordance with the following procedures:

1. If the Complaint or Grievance is lodged in person, the Panel employee or Panel member receiving the Complaint shall furnish the Complainant with a blank complaint or grievance form. The Complainant shall be asked to fill out the form and to sign the form in the space provided. An oath or sworn declaration shall not be required. The Complainant may refuse to sign the form or to give his or her name. A

copy of the completed form shall be given to the Complainant to serve as a record of the filing of the Complaint.

2. If a Complaint is lodged by mail, the complaint form shall be completed by the Panel staff on the basis of information contained within the correspondence. The Panel staff shall mail a copy of the completed complaint form to the Complainant as a record of the filing of the Complaint, together with a request that the Complainant review the complaint form for accuracy, and if accurate, sign the same and return it to the Panel offices.

3. If the Complaint is lodged by telephone, the Panel staff shall fill out an original complaint form and prepare one (1) duplicate copy of the complaint form as a record of the filing of the Complaint. The Panel staff employee taking the Complaint shall give his or her name to the Complainant. Panel staff shall furnish the Complainant with a copy of the completed form, together with a request for verification of accuracy and signature.

4. If the Complaint is lodged by an anonymous person, the Panel staff member receiving the Complaint shall endeavor to obtain the facts necessary and appropriate for the completion of the complaint form, record all information on the form and in the space provided for the Complainant's signature, indicate "Anonymous Complainant".

4.3 Complaint Form

The Panel shall cause all Complaints received by it to be reduced in writing on complaint forms.

4.4 Recording of Complaints

The Panel shall cause a central register of all Complaints filed with it to be maintained in its office. The central register shall record actions taken on each Complaint. The central register and complaint file shall be open for Public inspection during office hours and shall contain the following:

- A. Number of Complaint.
- B. Date Complaint was filed.
- C. A brief description of the subject matter of the Complaint.
- D. Complaint classification and disposition of the screening process.
- E. Date of referral to involved department or agency for investigation.
- F. Date department's or agency's response received.
- G. Results of committee and/or Panel consideration, if any.
- H. Date and content of final disposition of Complaint.

4.5 Withdrawal of Complaints

A Complaint may be withdrawn from further consideration at any time by a written notice of withdrawal signed and dated by the Complainant or by personal or telephonic notice to any Panel member or staff person by the Complainant.

SECTION 5. SCREENING, FACT FINDING and EVALUATION

5.1 Screening and Classification

A. Each complaint shall initially be screened by staff to determine its classification. Classifications of complaints are:

1. "A": Complaint against a Miami-Dade County agency, employee, instrumentality or policy which requires a thorough investigation.
2. "B": Complaint against a Miami-Dade County agency, employee, instrumentality or policy which does not warrant a full investigation.
3. "NJ": No jurisdiction. Complaint not against Miami-Dade agency or employee, eligible municipality or instrumentality.
4. "PC": Personnel complaint filed by a Miami-Dade employee against his/her supervisor(s) or co-worker(s) or employing Department.
5. "M": Miscellaneous. Requests for information, incomplete complaint data, counseling.

5.2 Deferral of Action on Complaints

A. If the subject matter of the complaint is under investigation by the County department or agency having jurisdiction, if it is the subject matter of established administrative review procedures of the County or other governmental agency having jurisdiction, or if it is the subject of pending criminal or civil judicial proceedings, the complaint shall be deferred and the matter shall remain pending until such proceedings have reached a final disposition.

B. The Executive Director shall immediately advise the State Attorney or the appropriate County department or agency that a complaint has been received regarding the matter, and request that the Panel be notified when their investigation or proceedings have reached a final disposition. Copies of all such communications shall be forwarded to the complainant.

C. The complainant shall be advised that if he or she is dissatisfied with the ultimate disposition of the matter by any such agency, department or governmental process, he or she may request the Independent Review Panel to review the matter further.

D. Notwithstanding the above provisions, the Panel shall not be required to continue deferral of a complaint if such administrative investigation or proceedings have not reached final disposition within sixty (60) days from the Panel's receipt of the complaint. This section does not apply to criminal investigations by the State Attorney or to judicial proceedings.

5.3 Action on Complaints

A. Complaints not against a Miami-Dade County agency, employee or policy (NJ, PC OR M).

1. "NJ", No Jurisdiction. If the subject matter of the complaint is not within the jurisdiction of the Panel, the Complainant shall be so advised by the staff. The staff may refer the matter directly to the appropriate agency having jurisdiction of the matter, together with a request, on behalf of the Panel, that the matter be considered by such agency or instrumentality. The complainant shall be notified of such referral, and provided the name and title of the person to whom the matter was referred.

2. "PC", Personnel Complaint filed by a Miami-Dade County employee.

- a. The Panel will not consider personnel complaints.

- b. If there appears to be an issue of substantial inequity or unfairness, the Executive Director may present the complaint to the full Panel and request a waiver of "2 a", above.

3. "M", Miscellaneous. Requests for information, incomplete complaint data, advice and counsel. No further action will be taken after requests for information have been answered, after reasonable efforts have been made unsuccessfully

to obtain information to complete a complaint, and/or advice and counsel have been given.

B. "A" and "B", complaints against a Miami-Dade County agency, employee or policy.

1. "B", Complaint against a Miami-Dade County agency, employee or policy which does not warrant a full investigation. Complaints may be referred by staff, on behalf of the complainant, to the appropriate person or persons in Miami-Dade County government for resolution. Such referral may be by telephone, in person or by mail. In all cases, the identity of the person or persons to whom a complaint is referred and the action taken in response to the complaint shall be noted in writing and filed with the complaint. The complainant shall be notified of the action whenever possible. No further action shall be required, but the Panel shall be provided a summary of such complaints upon request.

2. "A", Complaint against a Miami-Dade County agency, employee or policy which requires a thorough investigation.

a. Each "A" complaint shall be referred to the County department, agency or instrumentality named in the complaint for a prompt and complete investigation of the complaint.

b. The named department, agency or instrumentality shall be requested to report back to the Independent Review Panel the results of its investigation along with a full and complete copy of its investigative file, including but not limited to, tapes of all statements taken and transcriptions made therefrom.

c. The Independent Review Panel shall submit a full copy of the investigative file referred to in "b", above, to the complainant. Such copy need not include copies of tapes or statements taken, but shall be complete in all other respects.

d. If, after receipt of a copy of the investigative file made by the named department, agency or instrumentality, the complainant is satisfied with the resolution, the complaint may be concluded. This shall not prevent the Panel from continuing to review issues either raised in the initial complaint or during the investigation and review of the complaint.

e. If, after reviewing the results of the investigation into his or her complaint, a complainant is not satisfied, he or she may request that a committee be established to investigate and/or review the complaint further, and to make recommendations regarding it to the full Panel. Upon such request, a committee shall be established.

f. A committee shall be established to consider a complaint further if either the staff or the Panel considers it is necessary to continue review of the complaint, even though the complainant does not wish to pursue the complaint. The committee shall be called a Review Committee.

SECTION 6. COMMITTEE REVIEWS AND INVESTIGATIONS

6.1 Committee Assignments

A. Assignment of complaints under this section shall be made by rotation among the Panel members. A Panel member may request that he or she be temporarily excused from the normal rotation to equalize caseload, avoid conflicts of interest, or for other good cause. When a Panel member's term of office expires and he or she is replaced, the replacement will automatically receive any pending complaints assigned to the departing Panel member.

B. If the assigned Panel member believes it to be necessary, he or she may request that an additional Panel member or members be assigned to serve on the committee. The assigned Panel member may request the designation and appointment of any additional Panel member whose experience and expertise in any given area may prove to be of benefit in analyzing or resolving the particular complaint. Occasionally several complaints that have similar and/or complex subject matter may be assigned by the Panel to a Panel member who has become familiar with the issues involved and/or the accused department's policies and procedures.

C. A staff member shall be a member of each committee and shall assist the assigned Panel member in each complaint review or investigation, and may conduct such aspects of the investigation that the Panel member requests.

D. The Director of the department or agency which is the subject of a complaint and/or the department's liaison to the Independent Review Panel shall be invited to attend committee meeting(s).

6.2 Committee Procedures

A. A complaint may require more than one committee meeting due to the complexity of the issues involved, the need for further information and review by the committee, or scheduling conflicts.

1. Every effort should be made to schedule committee meetings at a time and place that is convenient for the complainant.

2. A meeting may be cancelled and rescheduled at the request of a complainant one time, for good reason, but may not be rescheduled more than once, except by formal consent of the Panel.

3. If a complainant fails to appear at a scheduled committee meeting, without having notified IRP staff beforehand, the committee shall proceed without the complainant.

B. The Panel member serving on a committee shall be the Chairperson of the committee. Committee meetings are informal in nature.

C. In cases where there are two or more Panel members serving on a committee, the public must be notified of the date, time, and location of any meeting(s) in accordance with state law.

D. Prior to the start of a meeting, the Chairperson shall inform those present that an audio tape will be made of the meeting in order to assist in preparing an accurate record. The meeting shall continue with everyone present introducing themselves and providing their job titles, or describing themselves as complainant, witness, or observer.

E. After introducing the committee members, a brief statement describing the purpose of the Independent Review Panel, the nature of the complaint to be considered and the purpose of the committee meeting shall be made.

The introductory statement may also include:

1. The fact that the Panel does not have subpoena power (except for "whistle-blower" cases, Ord. 96-41), which is necessary to require that the accused county department or employee attend a committee meeting or a Panel meeting.

2. That the committee makes recommendations to the full Panel.

3. That the committee may recommend further investigation, departmental policy change or establishment, imposition of discipline or remedial action if no disciplinary action has been taken, other corrective action and/or initiation of criminal proceedings.

4. That final disposition of the complaint will be made by the Panel at a future Panel meeting.

F. The committee Chairperson may summarize the complaint or ask the complainant to describe his or her complaint. The department representative shall then be asked to present the department's response to the complainant, the results of the departmental investigation and/or any steps that the department has taken to resolve the complaint. Statements may be made by any witnesses present at the meeting. Many complaints are resolved at this stage when the committee successfully acts as a mediator between the complainant and the accused department.

G. Where clarifications and/or further information are needed, the department may be asked to investigate further, and/or the Panel staff may interview witnesses and gather additional data.

6.3 Authority and Powers Generally

A. In the event that there is no specific incident, complaint or grievance which is the subject matter of a Panel review or investigation, and a review is initiated to consider the County's complaint handling procedures and activities designed to serve the public, the investigation shall include but not be limited to testimony taken from the appropriate department heads and employees, such statistical records as are available relative to the review, processing or complaint procedures, statements taken from citizens previously involved in such procedures or processes and such other information as may be deemed necessary by the Panel or its staff.

B. The Panel or its staff may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.

C. The Panel or its staff may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.

SECTION 7. DISPOSITION BY PANEL

7.1 Submission to Panel

Following completion of the committee's review, and/or investigation and recommendations, a written report shall be forwarded to all Panel members, and the matter shall be placed on the agenda of a scheduled or special meeting of the Panel.

7.2 Notification to Parties

A copy of the written report referred to in 7.1, above, shall be forwarded to each complainant and accused party, together with a notice of the time and place of the Panel meeting at which the complaint will be considered. All complainants and accused parties shall be notified that they have a right to be present at the said meeting, in person or through a representative of their choice, and to be heard by the Panel regarding the subject matter of the complaint. If for any reason the complainant or any accused party has not received a copy of the written report in advance of any meeting where the same is to be considered, Panel action thereon shall be deferred, upon the request of the complainant or accused party, to the next regularly scheduled meeting.

7.3 Panel Meeting Procedures

A. Meetings of the Panel shall be held regularly. Public notice of each meeting shall be given in accordance with the applicable state law.

B. The presence of five (5) Panel members is needed for a quorum. If it is known in advance that a quorum will not be attained, a scheduled meeting may be cancelled.

C. If a meeting is held with less than five (5) Panel members present, those present may review all items on the agenda, make motions and vote, with the understanding that any action taken does not become final until ratified by the Panel at the next meeting of five(5) or more Panel members.

D. All Panel meetings shall be tape recorded. Minutes summarizing each meeting shall be prepared by the Panel staff and adopted by the Panel by motion duly made, seconded and carried.

E. Panel meetings are informal in nature. County employees named as subjects in complaints, other county personnel, complainants and witnesses appear voluntarily and need not be sworn. Meetings are open to the public and anyone who wishes to address the Panel may do so "from the floor."

7.4 Consideration by Panel

The Panel shall consider the reports of committees and any other information that may be brought to its attention at the said meeting. Thereafter, the Panel may:

A. Vote to conclude a matter without further investigation or review;

B. Request further investigation or review by the staff, the Panel, or a committee of the Panel;

C. Take such other action as it deems necessary and appropriate, including the making of recommendations regarding policy or rule changes, or specific personnel action.

D. If the Panel has reason to believe that the actions of a public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities with a request that the Panel be advised of any action taken as a result thereof.

7.5 Distribution of Final Report

A. The Panel shall advise the Complainant, the aggrieved party and the accused employee or concerned department or agency in writing of the Panel's disposition and/or the outcome of any hearing before the Panel, and shall provide them with copies of the final report.

B. The Panel may further distribute and publicize the final report and shall include within it any conclusions or recommendations as it in its discretion determines to make in connection therewith.

SECTION 8- WHISTLEBLOWER RETALIATION COMPLAINT PROCEDURE

A - Stage One - SCREENING

1. Upon receipt of a written retaliation complaint from the County Manager's Office, the Independent Review Panel Executive Director or his/her designee shall screen the complaint to determine whether to proceed with a hearing or dismiss the complaint at screening. The complaint shall be dismissed at this stage only due to:

- a. the failure of the written complaint to state facts which, if true, would authorize the granting of relief under Sec.2-967.8 of the Code of Metropolitan Dade County.
 - b. failure of the complainant to sign a consent form indicating that the complainant is aware of his/her rights and responsibilities under the Whistle Blower Ordinance, and has read and understands the rules of procedure.
- or
- c. failure of the complainant to swear or affirm the truthfulness of the written complaint.
2. If the complaint is dismissed, the complainant shall be sent notification of same by the Executive Director, with signed concurrence by a Panel member. This notice shall clearly state the reason for the conclusion and provide notice of opportunity to appeal, in writing, to the Panel within 10 days. The notice shall contain a certificate of service as provided by Florida Rules of Civil Procedure 1.080(f). The time for appeal shall be measured from the date of service, so certified and computed as required by Fla. R. Civ. P. 1.090. Appeal shall be initiated by delivery to the office of the Executive Director of a written statement of intent to appeal. The Executive Director or his designee shall record the date and time of all such deliveries.
 3. If the matter is not concluded at screening, the matter shall be scheduled for Public Adversarial Hearing.

B - Stage Two - MEDIATED CONFLICT RESOLUTION

The complainant and the accused will be offered mediated conflict resolution (MCR). If both parties agree to utilize this informal procedure, the resolution process will be mediated by a Panel member and the Executive Director or his/her designee. If both parties agree with the outcome of the MCR process, the agreement resolution shall be submitted to the Panel for ratification, without a formal investigation. If the matter cannot be resolved at this stage, a public adversarial hearing shall be conducted.

Parties that choose to participate in Mediated Conflict Resolution shall be asked to affirm and document understanding of the following:

1. Each party has an absolute right to be represented by counsel in Mediated Conflict Resolution and all stages of the IRP process. Should an accused County Department choose to be represented by counsel, they would not be represented by the County Attorney's Office but would seek external counsel.
2. Confidential statements made during Mediated Conflict Resolution sessions will not be admissible for adversarial public hearing purposes or subsequent proceedings.
3. The IRP Chairperson may allow each party one postponement of a scheduled adversarial public hearing for a period not to exceed 60 days.

4. Parties to Mediated Conflict Resolution may be granted a second session to finalize a Mediated Negotiation Agreement within five business days of the first session. Any other settlement prior to the scheduled adversarial public hearing will not be mediated by IRP members or staff.

C - Stage Three - PUBLIC ADVERSARIAL HEARINGS

Within sixty days of receipt of the complaint by the IRP, the Panel shall conduct an adversarial hearing, or determine whether to ratify the resolution of mediated solution on which there has been an agreement. Upon application of a party to the complaint, or upon its own motion, the Panel, by its chairperson or his or her designee, may, for good cause shown, request the County Manager to extend, in sixty days increments, the time limitations of this process.

Subpoenas, signed by the Executive Director or designee, will be issued upon written request of the complainant, the accused or the Panel, to procure the attendance of witnesses and/or, with the approval of the County Manager, the production of records at the adversarial hearing.

1. *Setting and Notice of Hearing* - Staff shall coordinate with the parties and the Panel members to schedule a time and place for the hearing, and shall send written notice via U.S. Mail to the parties to the complaint, not less than 10 days before the hearing. A party's appearance at the hearing shall constitute a waiver of any deficiency in the notice of hearing.
2. *Absence of Party* - The hearing may proceed in the absence of a party who, after notice, fails to attend or to obtain a postponement from the Panel chairperson. Despite the absence of a party or parties, no recommendation shall be made without the submission of evidence to support the complaint.
3. *Representation by Counsel* - Each party has an absolute right to be represented by counsel at any adversarial hearing.
4. *Presentation of Evidence* - The Chairperson shall require all parties and witnesses to be sworn before they testify. The Chairperson, if he or she desires, may request opening statements and prescribe the order of proof. In any event, all parties shall be afforded full opportunity for the presentation of evidence. All pre-hearing discovery is prohibited.

If either party finds it necessary to perpetuate the testimony of a witness who would probably not be available to testify at the hearing, the deposition of that witness may be taken and submitted at the time of hearing in lieu of live testimony. Prior approval of the Executive Director shall be obtained prior to the taking of such deposition and the Executive Director shall grant such approval if he or she concludes the testimony of the witness relevant and there is a reasonable likelihood that the witness will not be available for the adversarial hearing.

The procedures for subpoenas and witness attendance shall be as prescribed in Sec. 2-50 of the Code of Metropolitan Dade County.

5. *Right of Party to Attend* - All parties shall have an absolute right to attend all hearings.
6. *Chair to Preside* - The Chairperson, or in his or her absence, the Vice Chair or a Panel member, shall preside at the hearing and shall rule on the admission and exclusion of evidence and on questions of procedure, and shall exercise all powers relating to the conduct of the hearing. The hearing shall be informal in nature without strict observance of the rules of evidence or the Florida Rules of Civil Procedures. Periods of time prescribed in these rules shall be computed as stated in Fla. R. Civ. P. 1.090.

D - Report to the County Manager

The Panel will transmit its findings of fact, conclusions and recommendations to the County Manager within 15 days of case dismissal, resolution or conclusion of adversarial hearing. Audio tape recorded testimony will be sent, along with Panel conclusions, for final consideration by the County Manager.

SECTION 9. INVESTIGATIONS: RESOURCES AND SCOPE

9.1 Investigative Staff

The Panel's Executive Director shall secure such investigative staff or fact finding and research personnel as the Executive Director may determine are necessary from the County Manager, from the State Attorney's Office or from such other source through which investigative assistance is available. No investigative personnel shall be utilized in connection with an investigation if such investigative personnel are not independent of the County agency or instrumentality which is the subject of the review or investigation. Should the Panel determine that a review or investigation requires investigators who are entirely independent of the County or State Government, the Executive Director may hire private investigative personnel after consultation with the Panel member assigned to that particular case. The Chairperson's, (or the Vice Chairperson's, in the Chairperson's absence) approval must be secured. The Panel shall be advised at its next regular meeting.

9.2 Scope of Investigation

The preliminary investigation or any subsequent investigation may include but shall not be limited to the following:

A. Interviews with the Complainant, the aggrieved party, interviews with the party or department head of the agency or instrumentality against whom the Complaint or Grievance is lodged and all other parties witnessing or involved in any alleged incident; examination of the scene of the incident; viewing, analyzing and preserving all physical evidence, if any, associated with the alleged incident; review, analysis and preservation of all other physical evidence, if any. It shall be the responsibility of the investigator to record each step in the investigation and the result thereof in an investigation report which shall be made a part of the complaint file.

B. The Panel's investigators shall attempt to secure written statements under oath from all participants in and witnesses to the alleged incident but where any witness or participant is unwilling to make a signed written statement, the assigned investigator shall provide a verbatim transcript or written summary of the oral

statement, if any, provided by such participant or witness. Where a written statement is given and signed by a participant or witness, the assigned investigator shall provide the person making such statement with a copy of the statement.

C. In the event that there is no specific incident, Complaint or Grievance which is the subject matter of a Panel review or investigation, and a review is initiated to consider the County's complaint review processes and investigatory activities designed to serve the Public, the investigation shall include but not be limited to testimony taken from the appropriate department heads and employees, such statistical records as are available relative to the review, processing or Complaint procedures, statements taken from citizens previously involved in such procedures or processes and such other information as may be deemed necessary by the Panel or its staff.

9.3 Manner of Conducting Investigations

The Investigation shall be conducted in a manner designed to produce a minimum of inconvenience and embarrassment to the Complainant, the aggrieved person, the accused employee, agency or instrumentality of the County and the witnesses.

SECTION 10 PANEL HEARINGS

10.1 Procedure for Scheduling Hearings

After the conclusion of the preliminary investigation, the Panel's Executive Director shall determine the place, date and time of the Panel hearing and shall furnish written notice of the place, date and time of the hearing to each Panel member, the Complainant, each aggrieved person and the accused party. The Panel's Executive Director shall also give such notice of the subject matter, place, date and time of each hearing as is required by law.

10.2 Open Public Hearings

All Panel hearings will be open to the public and a taped record will be made and shall be available at cost to any person who requests it.

10.3 Hearing Procedures

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions.

10.4 Counsel or Representative at Hearing

An attorney or other representative acting on behalf of the Complainant, any aggrieved party, or any accused party may be present at the hearing, at the expense of such party, but such representation shall not be required.

10.5 Testimony

Testimony under oath administered by the Panel's Chairperson may be received from all persons who appear and purport to have information which is material to the matter under consideration by the Panel.

10.6 Stenographic Record

At the option of the Panel, a stenographic record may be kept, and if kept, shall be made available, upon payment of the cost of duplicating or transcribing the same, to any person requesting same.

SECTION 11. FINDINGS OF PANEL AND DISPOSITION OF COMPLAINTS

11.1 Final Report

Within thirty (30) days following the completion of the Panel hearing, and review of all additional evidence, if any, and the rules, procedures, orders, ordinances, statutes and Constitutional provisions allegedly violated, the Panel, by a majority vote, shall adopt and publish a final report with regard to each matter reviewed. Any final report of the Panel shall be transmitted simultaneously to the Executive Mayor, Board of County Commissioners, the County Manager and the Director of the concerned County department. If the Panel has reason to believe that a public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities with a request that the Panel be advised of any action taken as a result thereof. A dissenting Panel member or members may express the reasons for dissenting in writing and such dissent shall be included within such final report.

11.2 Distribution of Final Report

A. The Panel shall advise the Complainant, the aggrieved party and the accused employee or concerned department or agency in writing of the outcome of any hearing before the Panel and shall provide them with a copy of the final report.

B. The Panel may further distribute and publicize the final report and shall include within it any conclusions or recommendations as it in its discretion determines to make in connection therewith.

SECTION 12. DISSEMINATION OF INFORMATION TO THE PUBLIC

12.1 Press Releases

Press releases require prior authorization by the Executive Director.

12.2 Pamphlet

A pamphlet describing the purposes and procedures of the Independent Review Panel shall be prepared and distributed by the Independent Review Panel.

SECTION 13. PUBLIC RECORDS

13.1 Public Inspection

All matters within the jurisdiction of the Independent Review Panel, including without limitation, written statements of policy or interpretation formulated, adopted or used by the Panel in the discharge of its functions shall be made available for public inspection as required by law.

13.2 Files Open

Copies of all complaints, grievances, rules, reports or opinions of the Independent Review Panel shall be maintained on file and available for public inspection at the offices of the Independent Review Panel. Any party requesting copies of any such records may be provided with copies and charged a reasonable fee in accordance with Florida Statute 119.07 (1) and Miami-Dade County Administrative Order 4-48.

13.3 Files Maintained

All files of the Independent Review Panel shall be retained in accordance with the applicable state law.

SECTION 14. PRESERVATION OF RIGHTS

The within procedures shall be in addition to and not in derogation of:

A. The procedures existing from time to time for the preservation of rights of police officers, pursuant to the Police Officer's Bill of Rights, Florida Statute 112.531.

B. The applicable laws, ordinances, statutes and constitution of the State of Florida.

SECTION 15. AMENDMENT

The Rules of Procedure of the Independent Review Panel may be altered, amended or repealed, or new Rules may be adopted by the Panel at any regular meeting, or any special meeting called for that purpose, by a majority vote of the Panel members present at such meeting, provided, however, that notice of the intent of the Panel to consider the adoption of new Rules or the amendment, repeal or alteration of an existing rule is given to the members of the Panel at least five (5) days prior to the holding of such meeting. Such amendment or change in the rules may be initiated at the request of any member of the Panel filed with the Executive Director not less than fifteen (15) days prior to the date of any regular meeting at which such Panel member desires the matter to be considered.

SECTION 16. WAIVER

Any provision herein may be waived by a majority vote of the Panel members present at any regular meeting.

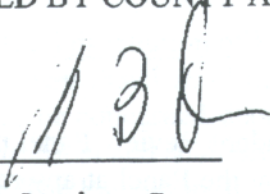
SECTION 17. VALIDITY

If any portion or section of these rules or regulations is declared to be unconstitutional or illegal, the remaining sections shall remain valid and effective.

SECTION 18. EFFECTIVE DATE

These Rules of Procedure shall become effective upon the date of the adoption of the same.

APPROVED BY COUNTY ATTORNEY AS TO FORM AND SUFFICIENCY:

A handwritten signature in dark ink, appearing to read 'K. Drucker', is written over a horizontal line.

Kenneth B. Drucker, Esq.
Assistant County Attorney

PASSED AND ADOPTED:

November 24, 1998



Alex Penelas
Mayor

Board of County Commissioners

Gwen Margolis
Chairperson

Betty T. Ferguson
District 1
Dorrian D. Rolle
District 2
Dr. Barbara M. Carey-Shuler
District 3
Gwen Margolis
District 4
Bruno A. Barreiro
District 5
Pedro Reboredo
District 6
Jimmy L Morales
District 7

Katy Sorenson
District 8
Dennis C. Moss
District 9
Javier Souto
District 10
Joe Martinez
District 11
Dr. Miriam Alonso
District 12
Natacha Seijas
District 13

Harvey Ruvin
Clerk of the Courts

Merrett R. Stierheim
County Manager

Robert A. Ginsburg
County Attorney

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability.